

In The Matter Of:

*Edgewood High School of the Sacred Heart, Inc. v.
City of Madison, Wisconsin, et al.*

*Deposition of Sister Kathleen Phelan
August 10, 2022*

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<p style="text-align: center;">UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WISCONSIN</p> <hr/> <p>EDGEWOOD HIGH SCHOOL OF THE SACRED HEART, INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-vs- Case No. 21-cv-00118</p> <p>CITY OF MADISON, WISCONSIN, et al.,</p> <p style="text-align: center;">Defendants.</p> <hr/> <p style="text-align: center;">Deposition of SISTER KATHLEEN PHELAN, taken at the instance of the Defendants, under and pursuant to Section 804.05 of the Wisconsin Statutes, before Peggy S. Christensen, RPR, CRR, CRC, a Notary Public in and for the State of Wisconsin, at Godfrey & Kahn, S.C., One East Main Street, Suite 500, Madison, Wisconsin, on August 10, 2022, commencing at 10:01 a.m. and concluding at 1:13 p.m.</p>	<p style="text-align: right;">Page 3</p> <p style="text-align: center;">I N D E X</p> <p>1 Examination: Page</p> <p>2 By Ms. Zylstra 4</p> <p>3 By Mr. Ingrisano 109</p> <p>4 By Ms. Zylstra 112</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9 Exhibits Identified: Page</p> <p>10 116 Declaration of Sister Kathleen Phelan 9</p> <p>11</p> <p>12</p> <p>13</p> <p>14 (The original exhibit was attached to the original transcript and PDFs were provided to counsel)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24 (The original transcript was filed with Attorney Sarah A. Zylstra)</p> <p>25</p>
<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 GODFREY & KAHN, S.C., by</p> <p>4 MR. JONATHAN INGRISANO,</p> <p>5 833 East Michigan Street, Suite 1800,</p> <p>6 Milwaukee, Wisconsin 53202,</p> <p>7 appeared on behalf of the Plaintiff.</p> <p>8</p> <p>9 BOARDMAN & CLARK LLP, by</p> <p>10 MS. SARAH A. ZYLSTRA and MR. TANNER G. JEAN-LOUIS,</p> <p>11 One South Pinckney Street, Suite 410,</p> <p>12 Madison, Wisconsin 53701,</p> <p>13 appeared on behalf of the Defendants.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Also present: Itzayana Saucedo, Intern, Boardman & Clark LLP</p>	<p style="text-align: right;">Page 4</p> <p>1 SISTER KATHLEEN PHELAN, called as a</p> <p>2 witness, being first duly sworn, testified on</p> <p>3 oath as follows:</p> <p>4</p> <p>5 EXAMINATION</p> <p>6 By Ms. Zylstra:</p> <p>7 Q Could you state your name for the record, please.</p> <p>8 A Kathleen Phelan.</p> <p>9 Q And your residential address, please?</p> <p>10 A Is 8521 Greenway Boulevard, Apartment 203,</p> <p>11 Middleton, Wisconsin 53562.</p> <p>12 Q And for purposes of the deposition, should I refer</p> <p>13 to you as Sister Phelan? Sister Kathleen?</p> <p>14 A Sister Kathleen is fine.</p> <p>15 Q Okay. Thank you. Sister Kathleen, have you ever</p> <p>16 given a deposition or testified at trial before?</p> <p>17 A Yes.</p> <p>18 Q Okay. How many times?</p> <p>19 A Oh, I would say three probably, and a long time</p> <p>20 ago.</p> <p>21 Q Okay. Could you describe for me generally what</p> <p>22 those were in relation to?</p> <p>23 A One was a divorce case. I was like a character</p> <p>24 witness. That was actually twice, one for a</p> <p>25 dentist, a pediatric dentist character witness as</p>

<p style="text-align: right;">Page 5</p> <p>1 well. So I think that's it.</p> <p>2 Q Okay. So a character witness twice is what you</p> <p>3 recall?</p> <p>4 A Yes.</p> <p>5 Q And so there was a third time or you're not sure?</p> <p>6 A I'm not -- I'd need to think about it, but I do</p> <p>7 recall those two. But that was like 1970s,</p> <p>8 you know.</p> <p>9 Q Fair enough. I'm sure that Jonathan Ingrisano,</p> <p>10 who is sitting here with you, probably explained a</p> <p>11 little bit about the process.</p> <p>12 A Yes.</p> <p>13 Q But just to help talk about that, this is a</p> <p>14 question-and-answer session where I get to ask</p> <p>15 some questions and get your answers to those</p> <p>16 questions.</p> <p>17 Because we have a court reporter that's</p> <p>18 trying to take down both my questions and your</p> <p>19 answers, there are some things that we can do to</p> <p>20 help her.</p> <p>21 A Okay.</p> <p>22 Q The first thing would be to try and not talk over</p> <p>23 each other. So if you can try and wait until I</p> <p>24 get my entire question out before you answer, and</p> <p>25 I'll try and wait until you provide your whole</p>	<p style="text-align: right;">Page 7</p> <p>1 Q Okay. And, Sister, do you have any kind of health</p> <p>2 condition or are taking any kind of medication</p> <p>3 that would affect your memory or your ability to</p> <p>4 give testimony today?</p> <p>5 A No.</p> <p>6 Q Can you tell me what you did to prepare for your</p> <p>7 deposition today?</p> <p>8 A I created a document, Jonathan and I did, and I</p> <p>9 would say just mentally thought through what I</p> <p>10 wanted to put into that statement.</p> <p>11 Q Okay.</p> <p>12 A And just reread that.</p> <p>13 Q Do you have that document here with you today?</p> <p>14 A No, I don't.</p> <p>15 Q Tell me what was on that document.</p> <p>16 A It was a description of me and of my life as a</p> <p>17 Sinsinawa Dominican for years and then some of the</p> <p>18 years that I was at Edgewood High School and the</p> <p>19 roles that I played there and I did a description</p> <p>20 of athletics and the life of a high school, the</p> <p>21 importance of athletics in the high school.</p> <p>22 Q Okay.</p> <p>23 MR. INGRISANO: Counsel, if I can</p> <p>24 clarify, I think she's referring to the</p> <p>25 affidavit.</p>
<p style="text-align: right;">Page 6</p> <p>1 answer before I ask my next question. Okay?</p> <p>2 A Okay.</p> <p>3 Q The other thing that would help the court reporter</p> <p>4 is for all of your answers to be verbal. So if</p> <p>5 you nod your head or shake your head in response</p> <p>6 to a question, I might prompt you to give a verbal</p> <p>7 response for her benefit. Okay?</p> <p>8 A Yes.</p> <p>9 Q I'm sure I'm going to ask some questions today</p> <p>10 that are either unclear or you're not</p> <p>11 understanding what I'm trying to ask. Just ask</p> <p>12 me to clarify the question. I'm happy to do that</p> <p>13 or to try and phrase it in a different way so that</p> <p>14 you understand what I'm asking. Okay?</p> <p>15 A Thank you.</p> <p>16 Q If you don't ask for clarification, I'm going to</p> <p>17 assume you understood my question and that your</p> <p>18 answer is responsive to that question. Fair?</p> <p>19 A Fair. Yes.</p> <p>20 Q Okay. And then, if you need a break at all during</p> <p>21 the day, just let me know and we can take a break</p> <p>22 whenever you need one.</p> <p>23 A Thank you.</p> <p>24 Q Okay. Sister Kathleen, what's your date of birth?</p> <p>25 A</p>	<p style="text-align: right;">Page 8</p> <p>1 I think she's asking, Sister, what you</p> <p>2 did to prepare for today, your deposition</p> <p>3 here today.</p> <p>4 A But then I thought you asked me what was in the</p> <p>5 deposition, what was in the statement.</p> <p>6 Q I'll clarify, Sister Kathleen.</p> <p>7 A Sure. Yeah.</p> <p>8 MS. ZYLSTRA: And I appreciate the</p> <p>9 clarification.</p> <p>10 MR. INGRISANO: Yeah.</p> <p>11 A Thank you.</p> <p>12 Q My question was what you did to prepare for the</p> <p>13 deposition today. So my question was aimed at</p> <p>14 whether you met with Mr. Ingrisano shortly before</p> <p>15 the deposition.</p> <p>16 A Yes.</p> <p>17 Q So that's one thing.</p> <p>18 A I did that. Sorry if I'm stepping over you, yeah.</p> <p>19 Q It's okay. Did you create any documents shortly</p> <p>20 before your deposition today to prepare for this</p> <p>21 deposition?</p> <p>22 A A new document?</p> <p>23 Q Correct.</p> <p>24 A No.</p> <p>25 Q Okay. And the document you were previously --</p>

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1 A Referring to.
2 Q -- referring to, is that a document that you
3 signed and dated?
4 A Yes.
5 MS. ZYLSTRA: Okay. Let's go ahead
6 and mark it.
7 (Exhibit No. 116 marked for
8 identification)
9 Q Sister Kathleen, I'm showing you what the court
10 reporter has marked as Exhibit 116. Is this the
11 document that you were previously referring to as
12 having created?
13 A Yes.
14 Q Okay. We can set that aside for right now.
15 A Okay.
16 Q Did you speak with anyone else about your
17 deposition other than Mr. Ingrisano?
18 A No.
19 Q Okay. When did you speak to Mr. Ingrisano about
20 your deposition?
21 A Yesterday.
22 Q Okay. And what do you recall regarding those
23 discussions?
24 MR. INGRISANO: I'm going to object
25 to the extent you're asking to invade

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1 attorney-client privilege. I am representing
2 Sister Phelan here today. So the questions
3 going to the content of those conversations
4 are privileged, and I would instruct the
5 witness not to answer that.
6 MS. ZYLSTRA: That's fair.
7 Q Sister Kathleen, Mr. Ingrisano is your attorney?
8 A Right. Correct.
9 Q Okay. Did you review any documents recently with
10 respect to this Edgewood matter?
11 A With Mr. Ingrisano?
12 Q Correct.
13 A Yes. We reviewed this to some extent, and I
14 looked at it was a copy of the Dominican Sister's
15 website. There were some pages extracted from
16 that.
17 Q Okay. Anything else you recall reviewing?
18 A No.
19 Q Okay. Sister Kathleen, can you give me a brief
20 description of your educational background, that
21 is, what schools and what degrees you have?
22 A I have a bachelor's degree from Edgewood College
23 in history. I have a master's degree in
24 educational psychology from the University of
25 San Diego. I have a master's degree in

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1 educational administration from the University of
2 San Francisco. I have a certificate from
3 Maryknoll School of Theology in theology, and I
4 have a certificate from New York University in
5 philanthropy.
6 Q With regard to the certificate of theology, can
7 you give me a little more background as to what
8 that entails?
9 A I was at Maryknoll School of Theology in New York
10 and took classes, just one semester, in like
11 Latin American religion, theology. It was a long
12 time ago, theology and social justice issues, and
13 then I also did some work in Jamaica, in Kingston,
14 Jamaica, in a squatter's compound where I worked
15 with the women who worked in clothing factories.
16 Q And the work that you did in Jamaica was part of
17 the requirements for that certificate?
18 A It was -- yes. It was like an independent study
19 part of it. So not everybody did that. There
20 were Dominican Sisters in Kingston, Jamaica, that
21 I worked with.
22 Q Got it. And with respect to the certificate in
23 philanthropy, can you provide me a similar
24 background of what that entails?
25 A It was when I was living in New York and took

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1 courses, again one at a time, you know, in
2 evenings on major gifts and economics and basics
3 of fundraising, which I was doing at the time, law
4 and philanthropy in New York in particular.
5 Q And was that similar, one semester of classes or
6 was it a more --
7 A No. It was a couple of years.
8 Q Okay.
9 A Because I was doing it piece by piece, you know.
10 Q Okay. Do you know roughly how many classes you
11 needed to take for that degree?
12 A Well, my memory is that it was like 100 hours.
13 Q Okay.
14 A So I would take -- because I was working
15 full-time, so I would take a class, you know, or
16 two in the evening depending on hours and how
17 many. So it took a couple years.
18 Q And it was a certificate and not a degree?
19 A Correct.
20 Q Okay. And you mentioned law. Can you describe
21 for me what training you've had in law?
22 A It's some school law when I was at the University
23 of San Francisco, again in the summertimes, and at
24 NYU, I'm trying to remember the context of
25 New York and what was -- you know, how like major

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1 gifts were eligible or not eligible within
2 New York law.
3 Q With respect to the school law in San Francisco,
4 these were classes that you took as part of your
5 master's degree?
6 A Right. It was a summer class.
7 Q So one class?
8 A Right.
9 Q Okay. And roughly when would you have taken that
10 class?
11 A Probably like 1984.
12 Q Okay. And with respect to the NYU training on
13 law, was that also one class?
14 A Yes.
15 Q Okay. And was that one class focused upon
16 philanthropy?
17 A Yes, in New York.
18 Q Okay. Did any of your law classes touch upon
19 urban planning or any kind of municipal issues in
20 law?
21 A No. No.
22 Q Have you had any training or education in urban
23 planning or zoning?
24 A No.
25 Q Have you ever worked for a city, a town, or a

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1 municipality?
2 A No.
3 Q I understand, Sister Kathleen, that you are a
4 sister with the Dominican Sisters of Sinsinawa;
5 correct?
6 A Correct. Correct.
7 Q And I'm pronouncing that correctly?
8 A Yes. Yes.
9 Q Making sure.
10 A Thank you. Thank you.
11 Q Are you employed by the Dominican Sisters in any
12 way?
13 A You know, that's not really an accurate question,
14 if I might say. Can I describe how we live
15 financially in a short way?
16 Q Yes. Please do.
17 A Like when I worked, when I was on the staff of
18 Edgewood or Dominican High School or Queen of
19 Peace in Chicago, you know, as a sister, in
20 Dominican Sisters of Sinsinawa, people are
21 different, but we create a personal budget and
22 figure out what you need to live, like what do I
23 need to pay for rent, so it's your personal
24 budget, and then if I get a salary from, like when
25 I was working at Edgewood I would get a salary,

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1 and a portion of my salary would go to the
2 congregation for the care of our elderly sisters,
3 for people who are getting degrees, you know,
4 younger people. So we're kind of contributing to
5 each other. You know, I keep what I need and I
6 return -- hopefully I have some extra to give to
7 the general fund.
8 So to say am I employed by them is not really
9 accurate because we take a vow of poverty, so it's
10 like we try to help each other.
11 Q Fair enough. And I appreciate that explanation.
12 Let's start with asking if you can relay
13 to me your employment history, because as I
14 understood your answer, you do have some
15 employment.
16 A Employment, yes. I taught at Edgewood High
17 School.
18 Q Can you tell me the years of that, please?
19 A Okay. '68 to '75. A long time ago. That's where
20 I started. And then I went to -- and, again, we
21 are -- I just don't say I need a new job. At that
22 point we were asked to go to the next place,
23 again, under a vow of obedience. I was asked to
24 go to Dominican High School in Whitefish Bay, and
25 I was there from '75 to '80. And then I was asked

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1 to go to Queen of Peace High School in Burbank,
2 Illinois. So these two places I was a teacher.
3 When I went to Queen of Peace, I was an assistant
4 principal. So I was asked to go into
5 administration, which I did at Queen of Peace in
6 Burbank from '80 to '83. Well, '84 I guess,
7 summertime. And then I was asked to come to
8 Edgewood High School, back to Edgewood High School
9 as principal from '84 to '89. And then I went
10 back to Queen of Peace High School from '90
11 to '93.
12 Q And was that as a principal?
13 A It was development director. It was in
14 administration, high school administration.
15 And by then it was like 25 years of being a
16 teacher or an administrator so I decided I could
17 graduate, and I went to NETWORK in Washington, D.C.,
18 from '93 to 2000, I think, where I was -- I worked
19 in development. NETWORK is a national Catholic
20 social justice lobby, sister's lobby, in DC.
21 '93 to 2000 I think I went, I was transferred
22 to St. Dominic's Home in Blauvelt, New York, which
23 is a huge social service agency.
24 Q And, I'm sorry, can you repeat that? It was
25 Dominic?

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1 A St. Dominic's Home.
 2 Q Thank you.
 3 A In Blauvelt. It's headquartered in Blauvelt,
 4 which is B-l-a-u-v-e-l-t, New York.
 5 Q Okay. Was the St. Dominic's Home the same years
 6 as the Washington, D.C. NETWORK?
 7 A No. It followed Washington, D.C.
 8 Q Could you -- because I think there was a
 9 misspeaking or I misheard. Can you tell me the
 10 years of St. Dominic's?
 11 A St. Dominic's was 2000 -- I'm trying to remember
 12 the months there. 2000 to -- or, I'm sorry, is
 13 it '99? I'm just a little confused between '99
 14 and 2000 when I left D.C. and went to New York.
 15 But it was '99 or 2000.
 16 Q That's fine. Rough dates are --
 17 A Okay. And I was there until 2004 when I was
 18 elected assistant provincial of the Sinsinawa
 19 Dominicans, the vicar's provincial.
 20 So we call each other to leadership. So I
 21 did that from 2004 to 2006, and then I was still
 22 living in New York then and worked at AmeriCares
 23 in Connecticut, 2006 to about 2008, again in
 24 development, financial development.
 25 And then 2008 to 2011 I worked with RENEW

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1 International in Plainfield, New Jersey. Again,
 2 it's like another Catholic institution. I did the
 3 fundraising there as well, development.
 4 And then I was elected to the general council
 5 of the Sinsinawa Sisters. Every five years we
 6 have what we call a Chapter, which is like a
 7 convention, it's a meeting of all of our sisters,
 8 and we elect new leadership at that time. So in
 9 2011 I was -- well, I was elected in 2011 and I
 10 think started in 2012 to 2016 as a general council
 11 member.
 12 So I was out of Sinsinawa in Chicago. At
 13 that point in time I worked both places and did
 14 whatever was needed in leadership. A lot of
 15 administration.
 16 And then I had some health issues, so I
 17 then -- this really sounds bad, but at age 70 we
 18 can, as a Sinsinawa Dominican, again, we can -- we
 19 call it we no longer have to do compensated
 20 ministry, so I no longer had the responsibility of
 21 bringing in a salary. All of these other places I
 22 brought in a salary all the time and contributed
 23 to the general fund. So in 2016 I was able to,
 24 quote, retire, which just means I didn't have to
 25 worry about bringing in a salary, but I do a lot

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1 of volunteer work, and I live here in Middleton
 2 now.
 3 Q You mentioned from 2004 to 2006 you were an
 4 assistant vicar's --
 5 A Vicar's provincial.
 6 Q Vicar's provincial. Can you describe to me a
 7 little bit what that is?
 8 A Okay. At the time it was -- We had a number of
 9 sisters in the northeast living in New York and
 10 Washington, D.C., so I was in relationship with
 11 them. If they had health issues or money issues
 12 or whatever kinds of issues they might have, I was
 13 like the first call. If somebody fell, you know,
 14 if someone needed care. It was basically an
 15 administrative position with probably about 250
 16 sisters who were living in the northeast at that
 17 time.
 18 Q Would it be fair to describe that role as focusing
 19 primarily internal?
 20 A Pastoral, yeah. Yes, very much so.
 21 Q Okay. With respect to being a general council
 22 member, can you give me a description of what the
 23 general council did? Does.
 24 A Okay. And at that point in time we were in
 25 relationship again to a number of sisters. So I

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1 had responsibility to the sisters in Chicago at
 2 that point in time and the few who were still in
 3 the east. We did a lot of the finances for the
 4 entire congregation. We were responsible for the
 5 budget, like, of every -- every sister brings her
 6 budget together, so then it comes up a step and
 7 now what do we have. And we have a number of
 8 buildings at Sinsinawa, so it was the
 9 responsibility of those buildings.
 10 Then we were at that point in relationship to
 11 some of our schools. Each of us had a couple of
 12 schools that we, you know, tried to be in touch
 13 with and have a sense of relationship more
 14 personally. So I worked with -- At that point we
 15 had five high schools and two colleges, one grade
 16 school and a camp, so I was in a relationship with
 17 two of our schools in Chicago.
 18 Q And which two schools were those?
 19 A Queen of Peace in Burbank, Chicago, and Trinity
 20 High School in River Forest, Illinois.
 21 Q Would you similarly describe the general council
 22 role as focused internal or not?
 23 A I would say both. It was certainly internal with
 24 care of sisters and care of properties, care of
 25 our properties. But it was external too as we

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1 were concerned about, you know, Native Americans,
2 of gun control, you know. We have a whole part of
3 the congregation -- or personnel of the
4 congregation that works on peace and justice, so
5 trying to have them inform us, you know, should we
6 be making statements about something in
7 particular, about Ukraine, but, you know, it was
8 something else then.
9 Q The general council, does that function somewhat
10 as like a board of directors for the organization,
11 do you know?
12 A I suppose you could call it that.
13 Q Okay.
14 A I mean, I wouldn't call it that, but it's a
15 similarity if we have to make a sidestep to,
16 you know, a management situation.
17 Q With respect to the Dominican Sisters of
18 Sinsinawa, does it have a Dominican order or
19 superior for which it fits in the organization?
20 A Well, Dominican women are different than Dominican
21 men. So the Dominican women are each separate
22 entities. We have our own constitution, and that
23 has to be reviewed by the Vatican. And we are in
24 relationship. Like there is a Dominican Sisters
25 of Racine, there is a Dominican Sisters of Adrian,

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1 Michigan, San Rafael, California. There are
2 probably about 15 groups of Dominicans now because
3 some have consolidated, so we're kind of like
4 cousins with each other. We're family, but we
5 have no authority over the Dominican Sisters of
6 Racine. If they need help in some capacity or
7 some entity that we might have, we certainly want
8 to be helpful, but we don't -- so we don't have
9 authority over them. We're a family.
10 Q Does the Dominican Sisters of Sinsinawa report to
11 any superior other than the Vatican? I mean, is
12 it from the Vatican to you?
13 A Right. Well, there is a bishop. Because we are
14 a -- We are called a papal congregation. There
15 are diocesan congregations whose boss is the
16 bishop, one might say, and then there are papal
17 congregations, which Sinsinawa is. So our
18 authority goes to the Vatican.
19 You know, if there was something outrageous
20 or if, I don't know, if we had to do something,
21 you know, like if we wanted to change the number
22 of sisters on our council, that's in our
23 constitution, so we would have to ask permission
24 from the Vatican to amend our constitution.
25 Whereas if we were a diocesan group, we would have

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1 the local bishop, which is Bishop Hying right now.
2 So we're in a relationship of communication
3 with Bishop Hying, but he can't tell us what we
4 should do. Well, in some ways he can, but he
5 can't really tell us. He doesn't have direct
6 authority over us.
7 Q You referred to the constitution. I don't think
8 I've seen that document. Can you describe to me
9 what the constitution of the Dominican Sisters of
10 Sinsinawa is?
11 A It's an important document that we all make our
12 vows to that constitution, to the sister who is
13 the prioress, the president, and she holds that
14 constitution and we all make our vows in the name
15 of that constitution, holding that constitution.
16 And it's basically a legal constitution of talking
17 about some of the history of our constitution --
18 or, excuse me, of our congregation, our founder,
19 Father Samuel, and the vows that we take and why
20 we take those vows and the importance of
21 community, and some of it is -- you know, it has
22 different points like a constitution has,
23 you know, different numbers. It's just a few
24 pages long, but it is significant to us.
25 Q Do you know if that's available publicly anywhere?

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1 A I doubt it.
2 Q Okay. With respect to your current role with the
3 Dominican Sisters of Sinsinawa, do you have
4 responsibilities?
5 A Yes. I'm on -- again, I'm on a lot of committees,
6 and the Sisters of Sinsinawa have a Madison
7 committee on human trafficking, so we've done a
8 lot of work and education at farmers markets and
9 with the governor, in a meeting -- excuse me, with
10 the mayor, in a meeting with her about what's
11 going on with human trafficking in Madison.
12 This is really good. We just -- I just wrote
13 a grant and we got some moneys to have a bus wrap
14 about human trafficking, so we have one bus for
15 \$8,000 for the year, but you might see it go by.
16 Q I will look for it.
17 A It's a beautiful image of a woman and like, Are
18 you worried about human tracking, the hotline
19 number, and then it says sponsored by the
20 Dominican Sisters of Sinsinawa. So those kind of
21 things. So I wrote the grant to help us get the
22 money for that, so we're excited about that.
23 I'm also on the Board of Directors of
24 Edgewood College, so I do some work with them.
25 And within our congregation, we have a committee

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1 that's called the alternative investment committee
2 that we've had for about 25 years where we as
3 sisters, and we also have associates who are part
4 of our committee, they're associates of Sinsinawa,
5 lay women and men, where we really look to
6 organizations that might not be able to get a
7 loan, you know, from the bank down the street
8 here, but if we can help them, it's usually with
9 groups that are doing housing or childcare or some
10 of those kinds of, you know, who are startups
11 really all over the country, then we share the
12 responsibility of those organizations, so I serve
13 on that committee.
14 Q Any other roles with the Dominican Sisters right
15 now?
16 A I'm thinking. I'm on the board of a group that's
17 called the Institute for Communal and Creative
18 Prayer, but that's, I think, it within the
19 congregation.
20 Q Okay. With respect to the roles that you've
21 described, are they all generally based in Madison
22 or Dane County?
23 A Yes.
24 Q Okay. And if I'm -- I'm trying to go back through
25 your history, so forgive me if I'm not getting

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1 this correct. But it sounds like you lived in the
2 Madison area when you were the Edgewood principal
3 from roughly '84 to '89; correct?
4 A Correct.
5 Q And then am I right that you didn't return to the
6 area until 2016?
7 A Correct.
8 Q Okay. And then you've been here since 2016?
9 A Yes. I should say I was in Chicago in the early
10 Nineties. I'm losing which way you're going here.
11 Q Well, I was just trying to -- so --
12 A Okay. Sorry.
13 Q Living in the Wisconsin/Madison area, it looks
14 like you were not living here from '89 until 2016.
15 A Correct.
16 Q Okay. But then have been here since 2016?
17 A Correct.
18 Q Okay. Perhaps an obvious question, but for the
19 record, are you Catholic?
20 A Yes. Roman Catholic.
21 Q And have you been Roman Catholic your whole life?
22 A Yes.
23 Q Okay. Is there a difference in your mind of being
24 a sister with a religious order versus being a
25 nun?

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1 A Yes.
2 Q And can you just briefly describe the difference?
3 A Nuns traditionally are cloistered and they do
4 internal ministries. Like they might have a craft
5 that they do or candles or raise money through
6 caramels. They have different ways, but it's an
7 internal ministry to help support them. And then
8 they spend a lot of time in prayer, in private
9 prayer and community prayer. That's really their
10 ministry. So a nun is cloistered. A sister does
11 public ministry.
12 Q Okay. And I take it based on your recitation of
13 your roles and employment that you're a sister
14 with the Dominican Sisters and not a nun; right?
15 A Correct. Correct.
16 Q Does the Dominican Sisters of Sinsinawa have nuns
17 in addition to sisters?
18 A No.
19 Q Okay. Are there other types of women clergy in
20 the Dominican Sisters of Sinsinawa other than
21 sisters?
22 MR. INGRISANO: Objection. Form as
23 to clergy, but go ahead.
24 A I was going to say, we're not clergy.
25 Q Okay.

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1 A Priests are clergy.
2 Q That's a fair characterization. I'm trying to
3 figure out how to describe the correct word.
4 Are there other types of women who perform
5 ministries with the Dominican Sisters other than
6 sisters?
7 A Now I need to ask the question vowed members?
8 Q Yes.
9 A All the sisters -- Dominican Sisters of Sinsinawa
10 are vowed members.
11 Q Okay. Are there any vowed members that are not
12 sisters?
13 A No.
14 Q Okay.
15 A Not vowed, no.
16 Q And where are the main headquarters for the
17 Dominican Sisters of Sinsinawa?
18 A Sinsinawa, Wisconsin.
19 Q Okay. And that's in the southwest part of the
20 state; right?
21 A Correct.
22 Q As I understood it, it's not far from Dubuque and
23 not far from the Illinois border; correct?
24 A Correct.
25 Q Okay.

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<p>1 A You can find us on the map.</p> <p>2 Q Does the Dominican Sisters of Sinsinawa have other</p> <p>3 property other than the property in the southwest</p> <p>4 part of Wisconsin?</p> <p>5 A Properties owned by the Dominican Sisters of</p> <p>6 Sinsinawa?</p> <p>7 Q Correct.</p> <p>8 A We have a couple of houses here in Madison that</p> <p>9 we've had for many years that are adjacent to the</p> <p>10 Edgewood campus that our sisters live in.</p> <p>11 We have like a house in Chicago where the</p> <p>12 sisters live while they're studying at the</p> <p>13 University of Chicago. Yeah.</p> <p>14 Q Any other properties that you're aware of that are</p> <p>15 owned by the Dominican Sisters of Sinsinawa?</p> <p>16 A No.</p> <p>17 Q With respect to the couple of houses adjacent to</p> <p>18 Edgewood, can you be at all more specific where</p> <p>19 they are, on what street or the address?</p> <p>20 A Yeah. There is one on Monroe Street right at</p> <p>21 Edgewood Avenue that we've probably lived in for</p> <p>22 about 50 years, and there is two right at the top</p> <p>23 of Edgewood Avenue, adjacent to the entrance to</p> <p>24 the school.</p> <p>25 Q Okay.</p>	<p>1 you know, participating in things we're invited to</p> <p>2 at the schools.</p> <p>3 Q Okay. With respect to Chicago, is it just one</p> <p>4 house in Chicago or is it multiple houses?</p> <p>5 A No. It's one house.</p> <p>6 Q Okay. Do you have a rough estimate of how many</p> <p>7 sisters there are in the Dominican Sisters of</p> <p>8 Sinsinawa organization right now?</p> <p>9 A I think it's 200 and -- if I could look at this.</p> <p>10 Probably 293.</p> <p>11 Q With respect to the property in Sinsinawa,</p> <p>12 Wisconsin, that's owned by the Dominican Sisters,</p> <p>13 are there sisters who live on site?</p> <p>14 A Yes.</p> <p>15 Q Do you know how many live there generally now?</p> <p>16 A Sinsinawa is -- Again, I think it would help if</p> <p>17 you looked at the website, I mean just even</p> <p>18 visually. It's a huge place. And it's our</p> <p>19 administrative offices, I mean central kind of</p> <p>20 headquarters, and it's also a place where our</p> <p>21 sisters in assisted living live. So we probably</p> <p>22 have about 95 sisters who are in assisted living</p> <p>23 living there and maybe about 15 in independent</p> <p>24 living.</p> <p>25 Q Have you ever lived there at any point in time?</p>
Page 30	Page 32
<p>1 A Again, that's probably 120 years old. I mean,</p> <p>2 they've been there when the priests lived over</p> <p>3 there and the children lived over there.</p> <p>4 Q Okay.</p> <p>5 A There is another one on Jefferson, probably like</p> <p>6 the 2800 block, and one on Lincoln.</p> <p>7 Q Okay. So five houses?</p> <p>8 A Uh-huh.</p> <p>9 Q Okay.</p> <p>10 A And, again, sisters live in those.</p> <p>11 Q And -- Strike that. Let me start again.</p> <p>12 With respect to the five houses that the</p> <p>13 sisters live in, are the sisters living in those</p> <p>14 houses actively teaching at one of the Edgewood</p> <p>15 schools, if you know?</p> <p>16 A Not now.</p> <p>17 Q Okay.</p> <p>18 A I mean, we did. But, again, many of the sisters</p> <p>19 are retiring age. Some do volunteer work.</p> <p>20 I'm watching the tree come down over here.</p> <p>21 Sorry.</p> <p>22 No one is an active teacher now in the</p> <p>23 schools.</p> <p>24 Q Okay.</p> <p>25 A They're interested in the schools and active and,</p>	<p>1 A When I was a novice a long time ago. That's,</p> <p>2 again, where we start out and where we're sent</p> <p>3 out. I mean, that's the point of it all. It's</p> <p>4 our headquarters, but it's also where we are sent</p> <p>5 out.</p> <p>6 Q Okay. I assume that's also where you would take</p> <p>7 your vows; correct?</p> <p>8 A Yes. And that's where we're buried.</p> <p>9 Q Okay. Do you know roughly what years you were</p> <p>10 there?</p> <p>11 A 1964 to 1966.</p> <p>12 Q Okay. Thank you. Do you have occasion to travel</p> <p>13 back and visit the Sinsinawa location of the</p> <p>14 Dominican Sisters?</p> <p>15 A Yes. But because of COVID and because of the</p> <p>16 nature of the sisters who are there, we've really</p> <p>17 been restricted in coming. And sometimes even</p> <p>18 when COVID kind of lifted, you know, we would have</p> <p>19 incidence of -- incidences of someone, you know,</p> <p>20 like on the staff getting COVID, so then we have</p> <p>21 to close everything up. So we've really been</p> <p>22 restricted the last two years, I would say, in</p> <p>23 visiting.</p> <p>24 Q Prior to COVID would you visit once a year? More</p> <p>25 than once a year?</p>

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1 A Oh, probably once a month.
2 Q Okay.
3 A But because that is where our sisters are, we have
4 their celebration when they die, you know, or we
5 have -- we do a lot by Live Stream.
6 Q Okay.
7 A You know, funerals and celebrations and meetings.
8 Q I assume, based on some of your answers, but to be
9 clear, are you familiar with the relationship
10 between Edgewood High School and the Dominican
11 Sisters of Sinsinawa?
12 A Yes. Yes.
13 Q Is there a formal agreement between the Dominican
14 Sisters and Edgewood High School?
15 MR. INGRISANO: Objection. Form.
16 Vague as to formal agreement, but go ahead.
17 A Yeah. I'm a little fuzzy on formal agreement.
18 There is an agreement of sponsorship between the
19 congregation and the high school.
20 Q Is there a written agreement?
21 A That I don't know.
22 Q Okay. What is the agreement? Can you describe
23 the contents of the agreement?
24 MR. INGRISANO: Objection.
25 Foundation. Go ahead.

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1 Q If you know.
2 A Well, it's the relationship of sponsorship which
3 we have with each one of our schools, so Edgewood
4 High School is the same as Trinity High School in
5 the sense of it's a relationship, I'd say, of
6 relationship and of accountability. You know, we
7 want to be in relationship -- we, the sisters who
8 are on council, want to be in a formal relationship
9 with the leadership of any institution to know how
10 things are going, that the school is carrying out
11 the values of the Sinsinawa Dominicans and mission
12 and ministry and to be in relationship so one
13 would know, you know, it's a Catholic school, it's
14 one that values community, it values participation,
15 it values civic engagement.
16 Q Okay.
17 A So because we no longer have as many sisters and
18 sisters of an age and skill who can be, you know,
19 kind of more hands-on, we have moved to really,
20 and this is evolving right now, I'd say over the
21 last five years, of really training lay leaders,
22 some of whom went to our schools, to help with
23 what we call a sponsorship council. So they are
24 really looking, with the sisters, at what's going
25 on at each of the institutions, kind of some of

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1 the things that the sisters used to do.
2 Q When you refer to this as a relationship, does the
3 Dominican Sisters of Sinsinawa provide funding for
4 Edgewood High School?
5 A No.
6 Q Okay.
7 A Let me just clarify one thing. I'm sorry. If
8 there was going to be like a capital campaign, we
9 might be asked -- we as a congregation might be
10 asked to make some kind of a donation. So if,
11 you know, the realities of a capital campaign,
12 people want to see who is supporting you, and we
13 would make some kind of a donation to the school,
14 but it would maybe be -- I don't want to quote a
15 number, but it would be below \$100,000. It would
16 not be, you know, a million, by any means.
17 Q Does the --
18 A But -- I'm sorry. But on an annual basis, the
19 school might help -- excuse me. The congregation
20 might help or give to a scholarship fund to help
21 needy students, let's say, but we don't -- they're
22 not looking to us for an annual, you know, huge
23 donation.
24 Q Does the Dominican Sisters of Sinsinawa provide
25 something to Edgewood as part of its sponsorship?

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1 If it doesn't provide financial, is there other
2 things that it provides?
3 A I think it tries to provide presence and guidance
4 if there was a situation that needed some backup
5 advice. As I said, we give financially but not on
6 a regular basis.
7 Q Does the Dominican Sisters provide any religious
8 training or does it provide any religious services
9 for Edgewood?
10 A Again, it would be in relationship. Many of the
11 schools might bring student leaders or
12 administrators to the Mound to meet sisters who
13 are in leadership or to learn more about the
14 history of the sisters and perhaps to meet with
15 sisters who taught in that school, you know, who
16 have -- maybe were there for twenty years,
17 you know.
18 But we're not sitting down and teaching
19 dogma. We're talking about spirituality as
20 opposed to theology, I would say.
21 Q And you referred to the Mound.
22 A Sorry.
23 Q That's the -- no, that's okay. That's the
24 headquarters at the --
25 A It's the same. Sinsinawa Mound, it's physically

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1 a mound if you know anything about southwestern
2 topography. So we informally call it the Mound.
3 Q And the Mound informally also refers to the entire
4 campus --
5 A Campus, right.
6 Q -- if you will?
7 A Correct.
8 Q And you're doing pretty well, but you've got to
9 wait until I finish asking the question before you
10 answer.
11 A I'm sorry. Thank you.
12 Q Only for her benefit.
13 A Thank you. Yeah.
14 MR. INGRISANO: Sarah, could we get
15 a break pretty soon?
16 MS. ZYLSTRA: Sure. We could take
17 one right now.
18 MR. INGRISANO: Sure. Thank you.
19 (Recess)
20 Q Sister Kathleen, before we took our break, we were
21 talking about the agreement between the Dominican
22 Sisters of Sinsinawa and Edgewood High School.
23 Yes?
24 A Yes.
25 Q Okay. I think you answered in terms of what the

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1 Dominican Sisters provides to Edgewood High
2 School. You referred to presence and guidance.
3 I was unclear whether there were other things that
4 the Dominican Sisters provides to Edgewood High
5 School other than what you've already testified
6 to.
7 A When a new head administrator is hired, the
8 sisters are like the ultimate approval of that
9 person. The person has already probably been
10 vetted and, you know, interviewed by a number of
11 people, but ultimately the sisters have that
12 authority and responsibility.
13 And the sisters, that same group of sisters
14 ultimately approves the annual budget of the
15 school. And if there was to be a capital
16 campaign, they would have the ultimate approval
17 of that.
18 Q And, I'm sorry, did you finish your answer?
19 A Yes. Sorry.
20 Q Okay.
21 A Period. Yeah.
22 Q And the sisters who do the approvals that you just
23 referred to, is that the general council or is
24 that a different entity?
25 A It's the general council.

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1 Q Okay. And when you refer to the head
2 administrator, do you mean the president of
3 Edgewood High School?
4 A Yes. In Edgewood's case, it's the president.
5 Q Anything else you're aware of that the Dominican
6 Sisters of Sinsinawa provides to Edgewood High
7 School as part of its sponsorship?
8 A I don't quite know how to put it, but, again, it's
9 through relationship to know what's going on in
10 the school, to be wanting it to have the values of
11 the Sinsinawa Dominicans, and to speak if there is
12 something that's not right.
13 Q If you know, in order for a high school or any
14 school to be considered a Catholic school, does it
15 need to be sponsored by an Order?
16 MR. INGRISANO: Objection.
17 Foundation, but go ahead.
18 A Primarily, yes. Men's or women's orders,
19 primarily, yes.
20 Q Are there requirements for Edgewood High School
21 that it has to meet in order to be sponsored by
22 the Dominican Sisters?
23 A I'm sorry. Say that question again.
24 Q It's a bad question. Let me back up.
25 I sort of asked you as part of the agreement

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1 what the sisters provided to Edgewood High School.
2 I'm trying to do the reverse and find out what
3 does Edgewood High School need to do or provide as
4 part of the sponsorship relationship with the
5 Dominican Sisters?
6 A Again, it would be, you know, keeping in
7 communication with whatever sister is the primary
8 contact and it's providing documents probably
9 quarterly in a timely way to the sisters and the
10 audit report, the budget report, the proposed
11 budget, the final budget. Yeah.
12 Could I just interject that I want to be sure
13 we get this on the record, that I'm here as a
14 Dominican Sister who spent some time at Edgewood
15 High School. I'm not here as representing the
16 congregation.
17 Q Understood.
18 A You know, I'm not here -- I'm no longer on
19 council, so I'm here as Kathleen Phelan who is
20 a Dominican Sister who spent many years at
21 Edgewood High School.
22 Q Understood. You mentioned a primary contact.
23 Do you know who the primary sister, Dominican
24 Sister, is that is the contact for Edgewood High
25 School currently?

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1 A I believe it's Sister Colleen Settles.
2 Q And for the court reporter's sake, could you spell
3 Settles?
4 A S-e-t-t-l-e-s.
5 Q And is it Colleen with a C?
6 A Yes.
7 Q Okay. You mentioned that they would provide
8 quarterly reports or documents. Can you describe
9 what's in those quarterly reports or documents?
10 MR. INGRISANO: Objection.
11 Foundation. Go ahead.
12 A I should state that this was true when I was on
13 council. I don't know exactly what they do now.
14 But if there was still like quarterly
15 reports, they would talk about what's the
16 highlight of the school in that time period,
17 what's the enrollment, you know, if they're
18 having a special fund, what's going on in the
19 fund. So kind of like a concise newsletter.
20 Q And just because there was an objection, these are
21 quarterly reports that you saw when you were on
22 the council; correct?
23 A Yes.
24 Q Okay. So special fund, enrollment, generally
25 what's going on with the high school. Any other

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1 topics that were typically or routinely part of
2 those quarterly reports when you had viewed them?
3 A No.
4 Q Sister Kathleen, I'm showing you what was marked
5 as Exhibit 49 from another deposition. I believe
6 you indicated earlier this might have been a
7 document that you reviewed within the last few
8 days; is that fair?
9 A Yes.
10 Q Okay. At the bottom of the document, it has a
11 website address of www.Sinsinawa.org. Do you
12 see that?
13 A Yes.
14 Q Do you recognize that as the web address for the
15 Dominican Sisters of Sinsinawa?
16 A Correct.
17 Q Okay. And do you recognize the first page of
18 Exhibit 49 as the home page for the Dominican
19 Sisters of Sinsinawa?
20 A Yes, with adaptations.
21 Q And what do you mean by that?
22 A Well, I mean that things change. It is the home
23 page, but it gets updated.
24 Q Fair enough.
25 A Like the two sisters who are down at the bottom,

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1 those are two different sisters and they are not
2 on our current one.
3 Q Understood.
4 A Yeah.
5 Q Okay. With respect to up in the top left-hand
6 corner, there is a big box that says, "Welcome.
7 We are Catholic sisters proclaiming the gospel in
8 word and deed." Do you see that?
9 A Yes.
10 Q Do you believe that box, that Welcome box, if you
11 will, is currently on the Dominican Sisters of
12 Sinsinawa's website?
13 A I don't know.
14 Q Okay. Do you believe this is an accurate
15 portrayal of the website at some point in time?
16 A Yes.
17 MR. INGRISANO: Objection. Form.
18 THE WITNESS: Sorry.
19 Q With respect to that Welcome box that says, "We
20 are Catholic sisters proclaiming the gospel in
21 word and deed," do you think that's an accurate
22 portrayal of what the Dominican Sisters of
23 Sinsinawa are?
24 A Yes.
25 Q Okay. And if you turn to the second page of the

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1 document, there is a heading that says Our
2 Mission. Do you see that?
3 A Yes.
4 Q Okay. And it says, "We are Catholic sisters
5 proclaiming the gospel through preaching and
6 teaching to help build a holy and just church and
7 society." Do you see that?
8 A Yes, ma'am.
9 Q Do you believe that's an accurate portrayal of the
10 Dominican Sisters of Sinsinawa's mission?
11 A Yes.
12 Q Okay. What does proclaiming the gospel mean to
13 you?
14 A Could I have a break for a minute?
15 MR. INGRISANO: No. You've got to
16 answer.
17 A I'm sorry. It's the middle of a question. I
18 don't understand the question in relation to what
19 we're doing here.
20 Q And I completely appreciate that, Sister. I will
21 probably ask a number of questions that may not
22 make sense as to why I'm asking the question. If
23 you can do your best just to answer it, that would
24 be appreciated.
25 A Okay. I think knowing that the gospels are the

<p style="text-align: right;">Page 45</p> <p>1 basis of the Bible, the sacred teaching of the</p> <p>2 Bible, that we try to live out those teachings in</p> <p>3 our everyday lives. Period.</p> <p>4 Q Okay. I just wanted to make sure that you were</p> <p>5 done with your answer.</p> <p>6 A Yeah. Sorry.</p> <p>7 Q The word gospel literally means good news;</p> <p>8 correct?</p> <p>9 A Yes.</p> <p>10 Q And to proclaim the gospel is to state publicly</p> <p>11 God's great deeds and the acts of salvation that</p> <p>12 God, through his son, Jesus, has done for us.</p> <p>13 Is that fair?</p> <p>14 A Yes.</p> <p>15 Q Okay. And I'm sorry these pages aren't numbered,</p> <p>16 but I want to go to page 13, which I will turn to</p> <p>17 that page. It has About Us, Our Mission, and a</p> <p>18 picture of five women. If you could find that</p> <p>19 page in the document.</p> <p>20 A Could you find that page? Sorry.</p> <p>21 Q That's all right. If you want, we can talk for a</p> <p>22 second about that before we go to my page.</p> <p>23 On page 11 of the document, at the top it</p> <p>24 says Sinsinawa Mound and it's got a picture of the</p> <p>25 campus; is that right?</p>	<p style="text-align: right;">Page 47</p> <p>1 that?</p> <p>2 A Yes.</p> <p>3 Q And it continues, "We believe that at the heart of</p> <p>4 ministry is relationship. Today more than 300</p> <p>5 Sinsinawa Dominican Sisters in the United States</p> <p>6 and abroad participate in the mission shared by</p> <p>7 all Dominicans, to proclaim the gospel in word and</p> <p>8 deed." Is that correct?</p> <p>9 A Yes.</p> <p>10 Q Do you think that's a fair characterization of</p> <p>11 what the Dominican Sisters of Sinsinawa are?</p> <p>12 A Yes.</p> <p>13 Q And then underneath that there is a statement of</p> <p>14 a mission, and it says, "As Sinsinawa Dominican</p> <p>15 women, we are called to proclaim the gospel</p> <p>16 through the ministry of preaching and teaching in</p> <p>17 order to participate in the building of a holy and</p> <p>18 just church and society." Correct?</p> <p>19 A Yes.</p> <p>20 Q And underneath Mission there is a Vision. Do you</p> <p>21 see that?</p> <p>22 A Yes.</p> <p>23 Q And it says, "In a world graced by the holy</p> <p>24 spirit, yet wounded by divisions, exploitation,</p> <p>25 and oppression, we are impelled by God's tender</p>
<p style="text-align: right;">Page 46</p> <p>1 A Right.</p> <p>2 Q And you were pointing it out to me because it's a</p> <p>3 very large campus; right?</p> <p>4 A Exactly.</p> <p>5 Q Yes.</p> <p>6 MR. INGRISANO: Is this the page,</p> <p>7 Counsel?</p> <p>8 MS. ZYLSTRA: Thank you. Yes.</p> <p>9 MR. INGRISANO: So turn to this</p> <p>10 page in your exhibit.</p> <p>11 THE WITNESS: Okay.</p> <p>12 MR. INGRISANO: All right.</p> <p>13 Q Okay. On that page there is a picture of five</p> <p>14 women; correct?</p> <p>15 A Yes.</p> <p>16 Q And the caption of the picture refers to the</p> <p>17 leadership council of the Dominicans of Sinsinawa.</p> <p>18 Do you see that?</p> <p>19 A Yes.</p> <p>20 Q Okay. Is that the same as what you referred to as</p> <p>21 the general council?</p> <p>22 A Yes.</p> <p>23 Q Okay. And under that picture, it describes,</p> <p>24 "The Sinsinawa Dominican Sisters are dedicated to</p> <p>25 preaching and teaching the gospel." Do you see</p>	<p style="text-align: right;">Page 48</p> <p>1 mercy to commit ourselves, in partnership with</p> <p>2 others, to seek and foster right relationships</p> <p>3 among all God's people and with Earth that</p> <p>4 sustains us." Is that correct?</p> <p>5 A Yes.</p> <p>6 Q Okay. Are you aware of that vision of the</p> <p>7 Dominican Sisters of Sinsinawa changing at all</p> <p>8 over time since you've been a member?</p> <p>9 MR. INGRISANO: Objection. Form,</p> <p>10 vague. Go ahead.</p> <p>11 A Yeah. There might be some modifications, but the</p> <p>12 mission and vision have remained the same.</p> <p>13 Q Okay. Then underneath that there is a Direction</p> <p>14 and it has the years 2016 to 2023. Do you see</p> <p>15 that?</p> <p>16 A Yes.</p> <p>17 Q Do you have any understanding of what is meant by</p> <p>18 direction? As opposed to mission and vision,</p> <p>19 what's the direction?</p> <p>20 MR. INGRISANO: Objection.</p> <p>21 Foundation. Go ahead.</p> <p>22 A As I said, we have what's called a Chapter every</p> <p>23 five years where all the sisters come as</p> <p>24 delegates, and as we do our review of what we said</p> <p>25 we would do last time and what we want to look to</p>

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1 in the future, like we have some major changes
2 coming in our lives. Then we set the direction
3 for the council, you know, all together we set the
4 direction for the council, for the leadership, for
5 the next seven years.
6 Q Is the direction the actions or activities that
7 you -- or that the general council wants the
8 organization to take in order to fulfill the
9 mission and vision?
10 MR. INGRISANO: Objection. Form.
11 Foundation.
12 A Could you say that again, please?
13 Q Sure. Well, based on the objection, let me start
14 with you were on the leadership council, the
15 general council; correct?
16 A Yes.
17 Q While you were on the leadership or general
18 council, you had opportunities to decide and
19 create the direction for the organization;
20 correct?
21 A The Chapter sets up the direction. Then our role
22 as leadership was to facilitate that direction --
23 Q Thank you.
24 A -- as best we could.
25 Q Thank you. That's a good clarification.

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1 So you're familiar at least with the process
2 or the role of the leadership council as it
3 relates to the direction that's set by the
4 organization; correct?
5 A Yes.
6 Q Okay.
7 A Congregation.
8 Q Congregation. Thank you. In terms of
9 implementing the direction, these are more
10 concrete items that the congregation wants
11 leadership to focus on in order to meet the
12 Dominican Sisters of Sinsinawa's mission?
13 A Correct.
14 Q Fair?
15 A Fair.
16 Q Okay. And with respect to the direction for 2016
17 to 2023, the first bullet says, "We hear the cries
18 for mercy and compassion moving us to a radical
19 gospel response of unconditional love." Did I
20 read that correctly?
21 A Yes.
22 Q Do you have any understanding as to what that is
23 referring to specifically?
24 A In some sense I think it's an encompassing
25 statement for some of the ones that follow.

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1 Q Okay. Let's talk about a couple of the ones that
2 follow and come back to that one.
3 The second bullet is, "We call ourselves to
4 respond to the needs of immigrants and refugees
5 and to seek ways to relieve suffering."
6 Do you know whether there is -- that relates
7 to anything in particular in the world that caused
8 that to be a direction?
9 MR. INGRISANO: Objection. Form,
10 vague.
11 A I would say in the last couple of years we've had
12 numbers of sisters who have gone down to the
13 border to be a visible presence to help people as
14 they come across, in conjunction with Catholic
15 Charities.
16 Q And by the border, you're referring to Mexico?
17 A Sorry. Yes.
18 Q Just to make sure.
19 A Yes. Thank you. You're right.
20 Q And are you aware of, just based upon your
21 membership in the Dominican Sisters, steps that
22 are being taken by the organization -- or by the
23 congregation as it relates to immigrants and
24 refugees?
25 MR. INGRISANO: Objection. Form.

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1 A I mean, I thought I just gave one example of that.
2 Of working with immigrants?
3 Q Right. I didn't know if you knew any specifics
4 regarding what the congregation is doing.
5 MR. INGRISANO: Counsel, where are
6 we going with this? This is totally
7 unrelated to this lawsuit.
8 MS. ZYLSTRA: I am trying to get an
9 understanding of -- Counsel, I don't believe
10 it's unrelated to this lawsuit.
11 MR. INGRISANO: Well, no. Here's
12 what's happened is in the last two
13 depositions of Edgewood representatives, you
14 have spent a lot of time on totally
15 irrelevant issues and then at the last hour
16 of the deposition, which have all gone
17 extremely long, is when you ask all the
18 relevant questions.
19 We're not going to allow that to happen
20 today to my client who is here today to
21 testify as to a very -- you said it was going
22 to be a three-hour deposition. It's not
23 going to be a three-hour deposition at this
24 point because you're talking about human
25 trafficking and immigration and things like

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1 that.
 2 Let's get to the heart of the matter or
 3 we're going to move for a protective order
 4 because this is now bordering on harassment
 5 because you can't tell me how this is
 6 relevant to this case.
 7 MS. ZYLSTRA: Counsel, if you want
 8 to move for a protective order, you can move
 9 for a protective order. I'm exploring the
 10 religious views of the Dominican Sisters,
 11 which is highly relevant to this lawsuit.
 12 MR. INGRISANO: By what? You don't
 13 even have a complete copy of the website, and
 14 now, what, you're trying to somehow argue the
 15 fact they have these priorities for 2016
 16 through 2023 somehow diminishes their
 17 commitment to Edgewood High School? That's
 18 completely -- Is that what you're arguing
 19 right now, Counsel? I mean, you didn't even
 20 object to the sincerity of Edgewood's beliefs
 21 on summary judgment. Are you now questioning
 22 the sincerity of Edgewood's religious views
 23 and the sponsorship relationship with these
 24 people now?
 25 MS. ZYLSTRA: Counsel, I get to

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1 explore with a witness -- first of all, she's
 2 put in a declaration on summary judgment.
 3 MR. INGRISANO: Which you haven't
 4 even talked to her about. So if you want to
 5 ask her questions about the summary judgment
 6 declaration, fine.
 7 MS. ZYLSTRA: Counsel, you don't
 8 get to decide what I ask about and what I
 9 don't ask about in a deposition. This goes
 10 to the religious views of the organization,
 11 of which Edgewood is a sponsored institution.
 12 If you want to move for a protective
 13 order, you can move for a protective order,
 14 but you don't get to control what I ask.
 15 MR. INGRISANO: If you don't start
 16 asking relative questions, we will terminate
 17 this deposition and move for a protective
 18 order because you've shown nothing but a
 19 harassing pattern. We're talking about a
 20 woman now who is in her -- You're 81 years
 21 old?
 22 THE WITNESS: No, 77.
 23 MR. INGRISANO: 77 years old and
 24 you're now here on hour number two and you're
 25 talking about a website that she doesn't

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1 provide content for and you're asking her
 2 about immigration.
 3 MS. ZYLSTRA: Counsel, if you move
 4 for a protective order, we'll be back here to
 5 finish the deposition on another day.
 6 MR. INGRISANO: Great. I look
 7 forward to it. Why don't you ask the
 8 irrelevant stuff at the end of the deposition
 9 and get to the relevant stuff now.
 10 MS. ZYLSTRA: I don't appreciate
 11 the -- I don't appreciate your making
 12 comments with regard to me and my abilities
 13 to be a lawyer and defend my client.
 14 MR. INGRISANO: I did not make any
 15 comments about your abilities. I was talking
 16 about your choice and your decision to harass
 17 Edgewood's witnesses with lengthy depositions
 18 covering irrelevant material, wait until they
 19 get tired at the end of these long days and
 20 then start to spring all the tough questions
 21 on them. Get to the heart of the matter,
 22 Counsel.
 23 MS. ZYLSTRA: Counsel, I've been
 24 nothing but polite to this witness.
 25 MR. INGRISANO: I didn't say you

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1 were impolite.
 2 MS. ZYLSTRA: I'm not harassing
 3 her. I'm doing my best to defend my client
 4 in the ways that I see fit.
 5 MR. INGRISANO: Start asking
 6 relevant questions, Counsel.
 7 MS. ZYLSTRA: Your view of
 8 relevance and my view of relevance are
 9 diverged, that is for sure.
 10 MR. INGRISANO: That is very clear.
 11 Q Do you need my question read back?
 12 A Yes, please.
 13 MS. ZYLSTRA: Could you read my
 14 last question back, please?
 15 (The following was read back:
 16 "Q. And are you aware of, just
 17 based upon your membership in
 18 the Dominican Sisters, steps
 19 that are being taken by the
 20 organization -- or by the
 21 congregation as it relates to
 22 immigrants and refugees?
 23 "MR. INGRISANO: Objection.
 24 Form.
 25 "A. I mean, I thought I just gave

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1 one example of that. Of
2 working with immigrants?
3 "Q. Right. I didn't know if you
4 knew any specifics regarding
5 what the congregation is
6 doing.")
7 Q Are you aware of any specific programs?
8 A No.
9 Q Okay. With respect to the second -- or the next
10 bullet point down which asks or which indicates,
11 "We are compelled to risk our comfort and
12 privilege to confront the evil of racism," are you
13 aware of any specifics that are being done by the
14 congregation with respect to that direction?
15 A I would say that's a primary and enduring work
16 and value, that we work to be an anti-racist,
17 multi-cultural congregation. Congregation meaning
18 internally as well as externally.
19 Q Okay.
20 A So it's a value for everything we do.
21 Q And then the next bullet down it says, "We commit
22 ourselves to the urgent summons of" -- and I need
23 your help.
24 A Laudato si'.
25 Q -- "to care for Earth, our home." What does that

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1 mean?
2 A Laudato si' is an encyclical of the Pope from
3 about five years ago talking about care of the
4 Earth. You know, universal call, care of the
5 Earth, and encyclical is a study, and so as a
6 congregation we've been -- actually there is a
7 seven-year program on Laudato si', and I'm also on
8 that committee, Laudato si' action plan to help us
9 learn what the Pope was teaching and how we can
10 implement that within ourselves, within our local
11 community and congregation.
12 Q Does that involve protecting the natural resources
13 of our Earth?
14 MR. INGRISANO: Objection.
15 Foundation.
16 A I would say yes as a universal call.
17 Q Okay. With respect to, if we go back a couple
18 pages to the one that you referred to that was the
19 Sinsinawa Mound. And it's got a picture of the
20 campus. And in the third paragraph down that
21 starts, "Although the Sinsinawa Dominican Sisters."
22 A Uh-huh.
23 Q Do you see that paragraph?
24 A Yes.
25 Q That paragraph indicates that the Mound currently

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1 is approximately 450 acres. Do you see that?
2 A Yes.
3 Q Is that your understanding as to roughly the size
4 of the Mound?
5 A Yes.
6 Q Okay. Are you aware of whether there are any
7 athletic competition fields on the 450 roughly
8 acres of the Mound?
9 A No.
10 Q No, you're not aware, or, no, there aren't any?
11 A No, there aren't any. It's a Motherhouse.
12 Q Do you know how many buildings are part of the
13 Sinsinawa Mound center?
14 A I don't know the number, but you could see from
15 the picture there are quite a few.
16 Q Do you know whether there is any gymnasium in any
17 of the buildings?
18 A No.
19 Q And, I'm sorry, I asked a bad question. No, there
20 aren't any or, no, you don't know?
21 A No, there aren't any gymnasiums.
22 Q Do you agree that a person does not need to
23 have -- to play or have played any competitive
24 sports to live and practice the Catholic faith?
25 A Would you say that again, please?

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1 Q Sure. Do you agree that a person does not need to
2 play or have played competitive sports to live and
3 practice the Catholic faith?
4 A Yes.
5 Q Do you agree that a person does not need to play
6 or have played any competitive sports to live and
7 adhere to the values of the Dominican Sisters of
8 Sinsinawa?
9 A I feel like that's kind of a true/false question
10 or something. But I would say yes.
11 Q Okay. Are you aware of any Catholic tenet or
12 tenet of the Catholic faith that addresses playing
13 competitive sports?
14 A No.
15 MR. INGRISANO: Objection. Form.
16 Vague as to "tenet."
17 Q Okay. Well, given his objection, I'll try and
18 rephrase it slightly.
19 Are you aware of any principle of the
20 Catholic faith that relates to playing competitive
21 sports?
22 A No. Not at a narrow vantage point.
23 Q Okay. You received a theology certificate;
24 correct?
25 A Yes.

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1 Q As part of your theological classes or teaching --
 2 and the teachings of those classes, did any of
 3 them involve playing competitive sports?
 4 A No.
 5 Q Okay. Are you aware of any published writings or
 6 treatises that identifies playing competitive
 7 sports as part of the Dominican Sisters of
 8 Sinsinawa's religious beliefs?
 9 A No, but we don't use treatises. That's not
 10 accurate.
 11 Q That's fair. Any published writings, are you
 12 aware of any published writings that identifies
 13 playing competitive sports as part of the
 14 Dominican Sisters of Sinsinawa's religious
 15 beliefs?
 16 A No. Not in the narrow view that you're portraying.
 17 Q Okay. Are you aware of any published writings
 18 that identifies playing competitive sports as part
 19 of the Catholic faith's religious beliefs?
 20 MR. INGRISANO: Objection. Form.
 21 Vague as to "part." Go ahead.
 22 A I feel like we're repeating questions. No.
 23 Q Thank you. Okay. We're going to turn back to
 24 the Exhibit 116, which is your declaration.
 25 With respect to Exhibit 116, the last page

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1 has a signature, and that's your signature;
 2 correct?
 3 A Yes.
 4 Q Okay. And following your name there is the
 5 initials OP.
 6 A Correct.
 7 Q Can you tell me what OP stands for?
 8 A It stands for Order of Preachers.
 9 Q Okay. And what's that in reference to?
 10 A Being a formal part of our Dominican identity,
 11 that we are an Order of Preachers and Teachers.
 12 Q Does anyone who takes vows -- Strike that. That
 13 was going to be a bad question.
 14 If you have taken vows, are you automatically
 15 then an OP?
 16 A If you've taken vows as a Dominican Sister
 17 Dominican, yes, then you have the right to have
 18 OP behind your name.
 19 Q Okay. What did you understand the purpose was of
 20 the declaration in Exhibit 116 that you signed?
 21 A I think to state who I am and my role in reference
 22 to Edgewood High School and the role of athletics
 23 from my personal vantage point.
 24 Q Did you understand that this declaration was for
 25 the litigation between Edgewood High School and

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1 the City of Madison?
 2 A Yes, I did.
 3 Q Okay. What do you understand that lawsuit to be
 4 about?
 5 A Again, I don't stand in the middle of this.
 6 You know, I'm not at Edgewood High School. So
 7 from my vantage point, I believe it's the
 8 relationship between the City and Edgewood High
 9 School and Edgewood High School's right to have
 10 lights on the football field as a high school
 11 within Madison.
 12 Q Okay. Do you have an understanding as to why
 13 it's important that Edgewood have lights on its
 14 football field?
 15 A Yes.
 16 Q And what's your understanding?
 17 A I would say as a school, you do all you can to
 18 create community and to invite people into your
 19 school, into your campus, and a way of doing that
 20 in this case is the school being able to use its
 21 facility as a football field or a soccer field or
 22 whatever to its fullest extent.
 23 Q Any other reason that you think it's important for
 24 Edgewood to have lights on its field other than
 25 what you just described?

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1 A Well, I think I stated, I mean, sports, athletics
 2 is one part of a school and one part of our desire
 3 to know that students are experiencing mind, body,
 4 soul, creating, and developing the whole person in
 5 their high school years and that Edgewood is very
 6 alumni centered -- I shouldn't probably say
 7 centered, but alumni aware, and I think being able
 8 to use the field as desired is also an opportunity
 9 for alumni to return, for parents to be able to
 10 come to campus.
 11 Q Okay.
 12 A As well as a centering place for students.
 13 Q Okay. Do you have any understanding as to why the
 14 city has not allowed Edgewood to have the lights
 15 on the field?
 16 A I'd say I know from long history that the, what is
 17 it, the Edgewood-Dudgeon Neighborhood Association
 18 has been a strong one. I might not have that name
 19 totally correct.
 20 Q Dudgeon-Monroe?
 21 A Dudgeon-Monroe, okay. Yeah, sorry. It has always
 22 been a strong entity, and, you know, planning
 23 commission sessions at the city are challenging.
 24 To Edgewood. Sorry. Challenging to Edgewood.
 25 Q So my question was do you have an understanding as

<p style="text-align: right;">Page 65</p> <p>1 to why the city has not allowed, and you spoke 2 about the Dudgeon-Monroe Neighborhood Association 3 or the neighborhood. Is it your understanding 4 that the city has not allowed the lights because 5 the neighbors have objected or are opposed to 6 those lights? 7 A Yes. I mean, I think that's a primary opposition 8 that I'm aware of. 9 Q Are you aware of anything else or do you have any 10 other belief as to why the city has not allowed 11 the lights? 12 A I guess no. 13 Q Okay. You are aware that the Dominican Sisters of 14 Sinsinawa sponsors not only Edgewood High School 15 but Edgewood College and Edgewood's grade -- 16 A Campus School. 17 Q Edgewood's Campus School; correct? 18 A Yes. Yes. 19 Q And those -- Strike that. 20 With respect to your description of the 21 sponsorship of Edgewood College -- I'm sorry. 22 Strike that. Let me start again. 23 With respect to the questions that I asked 24 you on sponsorship as between the Dominican 25 Sisters of Sinsinawa and Edgewood High School,</p>	<p style="text-align: right;">Page 67</p> <p>1 campus? 2 A A requirement? 3 Q Correct. 4 A No. 5 Q Okay. You indicated that you're on the board of 6 Edgewood College currently; correct? 7 A Correct. 8 Q Do you know where Edgewood College plays its 9 athletic games that are night games? 10 A Outdoor games? 11 Q Yes. That's a fair clarification. For outdoor 12 field games, do you know where Edgewood College 13 plays those games? 14 A No, I don't. 15 Q Okay. Have you ever attended an Edgewood College 16 nighttime game that is played on an outdoor field? 17 A No. 18 Q Okay. Are you aware from your role on the board 19 that Edgewood College is potentially building a 20 facility in Fitchburg, Wisconsin, for many of its 21 athletic programs? 22 A Yes. 23 Q And the facility in Fitchburg would have outdoor 24 fields for Edgewood College to play some of its 25 night games; correct?</p>
<p style="text-align: right;">Page 66</p> <p>1 would your answers generally be the same with 2 respect to the college and the campus school? 3 A Yes. 4 Q Okay. So sponsorship of the campus school and 5 sponsorship of the college would work in the same 6 fashion as sponsorship of the high school; correct? 7 A Correct. 8 Q Okay. And same -- 9 A They are three separate corporations. 10 Q Yes. But same general reporting requirements and 11 same general what the sisters provide to those 12 schools? 13 A Yes. 14 Q Okay. And the religious teachings and the 15 religious beliefs of the Dominican Sisters of 16 Sinsinawa would be the same for the college and 17 for the campus school as they are for the 18 high school; correct? 19 A Yes. 20 Q Okay. And I think, as you testified today, the 21 Dominican Sisters of Sinsinawa sponsor other 22 schools besides the three Edgewood schools; correct? 23 A Correct. 24 Q Is there any requirement for any sponsored 25 institution to have athletic fields at their</p>	<p style="text-align: right;">Page 68</p> <p>1 MR. INGRISANO: Objection. Form. 2 Foundation. 3 A I have to think about that. State that again. 4 I'm sorry. 5 MS. ZYLSTRA: And I'm sorry. Could 6 you read the question back? 7 (Question read) 8 A I guess I'm not sure if they're going to have 9 night games there. 10 Q Okay. Are you aware of whether the plans for 11 building that facility in Fitchburg will at least 12 have outdoor stadium lights for those fields? 13 MR. INGRISANO: Objection. Form, 14 foundation. 15 A Again, I'm not sure of night games. 16 Q Separate from the night games, are you aware of 17 whether the outdoor fields, whether the intention 18 is to have stadium lights or outdoor lights for 19 the field? 20 A I'm trying to remember the reports I've read about 21 that. I believe yes. 22 Q Okay. Does Edgewood College have an outdoor field 23 on the 55-acre campus of Edgewood? 24 A No. Not an outdoor field that I'm aware of. 25 Q Okay.</p>

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1 A I think, could I also note that the college has
2 been very closed down because of COVID, so,
3 you know, trying to envision the last two years
4 and what they've been doing has been restricted.
5 Q Fair. To your knowledge and based on your role
6 with the Edgewood College board, are you aware of
7 the Dominican Sisters of Sinsinawa suggesting or
8 encouraging Edgewood College to not build a
9 facility in Fitchburg for its athletic program but
10 to build it on site, on the 55-acre campus?
11 MR. INGRISANO: Objection. Form.
12 A Not to my knowledge.
13 Q Okay. Do you, sitting here today, have any
14 concerns or reservations or similar kind of
15 negative thoughts or feelings with regard to
16 Edgewood College building athletic fields and its
17 facility off site in Fitchburg versus on site at
18 the campus?
19 MR. INGRISANO: Objection. Form.
20 Go ahead.
21 Q Does that cause you any concerns at all?
22 A Not concerns.
23 Q Okay. Does the college potentially building a
24 facility off site, does that implicate at all the
25 college's adherence to the Dominican Sisters of

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1 Sinsinawa's religious beliefs?
2 A No.
3 Q Okay. A similar question but with respect to the
4 Catholic faith. Does the college building a
5 facility off site to hold their games implicate at
6 all the college's living the Catholic faith?
7 A No. I think it's just the opposite.
8 Q And why do you think it's just the opposite?
9 A Because I think it's important for students to be
10 able to participate in athletics.
11 Q Okay.
12 A And a college is not a high school.
13 Q Fair enough.
14 A A high school is not a college.
15 Q But in terms of participating in those sports,
16 whether they do that at the campus or off site,
17 that's not -- Strike that.
18 It doesn't matter whether they do it on site
19 or off site as long as they're participating in
20 some sports in your mind; is that fair?
21 MR. INGRISANO: Objection. Form.
22 A Yes.
23 Q Okay. Do you agree that Edgewood High School
24 could maintain its religious commitment to the
25 Dominican Sisters of Sinsinawa even if it didn't

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1 have an athletic program at all?
2 A State the first part of the question, please.
3 Q Do you believe that Edgewood High School could
4 maintain its religious commitment to the Dominican
5 Sisters of Sinsinawa even if it didn't have an
6 athletic program at all?
7 A No.
8 Q Okay. So why do you believe that an athletic
9 program is necessary for Edgewood to maintain its
10 religious commitment to the Dominican Sisters?
11 A Because, again, I think it's educating the whole
12 student. We want them to have -- he or she to
13 have opportunities in athletics and the best
14 academics and music and the arts and companionship
15 and sportsmanship. I mean, all of those values of
16 service, compassion, and I think if athletics were
17 missing, that would be a huge hole in the program.
18 Q Okay. Do you know whether all of the schools that
19 the Dominican Sisters of Sinsinawa sponsor have
20 athletic programs?
21 A Yes, they do.
22 Q Okay. The Dominican Sisters of Sinsinawa sponsor
23 other institutions besides schools; correct?
24 A No.
25 Q I thought there was an institution I think that

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1 was called like Transitions. Are you familiar at
2 all with that?
3 A Sorry. Sorry. Yeah. Yes. Not immediately.
4 Some years ago the Spokane Dominicans became a
5 part of the Sinsinawa Dominicans legally, morally,
6 ethically, and they had a ministry, they had
7 hospitals. They were very small. They had
8 hospitals and this institution called Transitions.
9 So when they became a part of us, we enveloped
10 that institution.
11 It's a social service agency, to my
12 knowledge, for women in Spokane. But let me just
13 say we don't sponsor it in the same sense we do
14 the schools.
15 Q And how is it different, the sponsorship?
16 A Again, I can't speak to that totally today, but
17 I'd say it's probably not as tight of
18 communication and I think we probably make an
19 annual donation to them for fundraisers or
20 something, but it's just -- you know, we're
21 interested in what they're doing and in their
22 ministry.
23 Q My understanding, and correct me if I'm wrong, is
24 that the program provides things like childcare
25 and housing and job training for women and

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1 children; correct?
2 A Correct.
3 Q Okay.
4 A In Spokane.
5 Q Do you know whether there is any athletics
6 involved at all with the Transitions program?
7 A Not to my knowledge.
8 Q Okay. And even though the program is providing
9 some childcare and some services for children, the
10 Dominican Sisters of Sinsinawa are not including
11 athletics as part of the training or services it's
12 providing to children in that program; correct?
13 MR. INGRISANO: Objection.
14 Foundation. Go ahead.
15 Q If you know.
16 A I would say correct, but it's a very -- it's not
17 a school, you know, and it's different locations
18 around Spokane, like storefront kind of locations,
19 so it's not an institution.
20 Q All right. Okay. But I would presume that with
21 respect to the religious beliefs that are being
22 provided in connection with the sponsorship of
23 Transitions, the religious beliefs are the same;
24 fair?
25 A Yes.

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1 Q Okay.
2 A Within the context of a social service agency.
3 Q Fair. Now, I have seen reference to five values
4 of the Dominican Sisters of Sinsinawa: truth,
5 justice, compassion, community, and partnership.
6 Is that correct?
7 A Yes.
8 Q And those are five values that the Dominican
9 Sisters of Sinsinawa include as part of their
10 description of their congregation?
11 A Correct.
12 Q Okay. With respect to the value that's referred
13 to as community, can you describe for me what that
14 means?
15 A I think I would want to say that those values are
16 held by each of our schools and are usually
17 publicly displayed and people take a different
18 value perhaps to be central to that year, to the
19 theme of the school for that year, and community
20 might be how do we espouse community, a building
21 of community within the school. This is not just
22 come to the school. This is be a part of
23 Edgewood, be a part of what that means in terms
24 of service to one another and service to the
25 community, sportsmanship, being supportive of

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1 students within the school or students who are in
2 need, you know, and sometimes that's supporting by
3 prayer, sometimes it's supporting by helping with
4 a building, you know, or helping with people who
5 are ill.
6 Q With respect to the value of community, is part of
7 that being a good neighbor?
8 A Sure. Yes.
9 Q And in terms of being a good neighbor, would you
10 agree that under the Dominican Sisters of
11 Sinsinawa's values, that Edgewood High School
12 should take into account concerns of residents and
13 surrounding neighbors to the campus, of their
14 views of Edgewood's activities?
15 MR. INGRISANO: Objection. Form.
16 A I would say yes, and I would say that's a two-way
17 street.
18 Q And why do you say it's a two-way street?
19 A Well, I'm aware, for many years when there have
20 been big events on campus that students have --
21 with faculty have made some kind of a notification
22 and delivered that to houses, you know, in the
23 neighborhood to tell them, you know, when this
24 event is going to occur and what the timeframe
25 would be and thank you for being a good neighbor

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1 and we'll be back to clean up the, you know,
2 neighborhood if we need to do that, your sidewalk.
3 So I think that's one way.
4 Oppositely, we've been there since 1881.
5 Q And why do you reference that? Can you explain
6 that comment?
7 A I just think we've been a part of that community
8 and we've been there on that campus as an
9 educational institution and then as three
10 educational institutions for a very long time.
11 Q And how does that relate to community from your
12 point of view?
13 A That you try to build community and communication
14 and positivity with the members of the community.
15 Q Does part of that building of community require
16 that there be trust between the neighbors and
17 Edgewood High School?
18 A I would agree with that I think. Trust is a
19 foundation of any relationship.
20 Q Okay. And would you agree that for there to be
21 trust between two entities, like the neighbors and
22 Edgewood High School, that the statements that
23 each make to each other need to be truthful?
24 A Yes.
25 Q Okay. To the extent that statements made by,

<p style="text-align: right;">Page 77</p> <p>1 for example, Edgewood High School to the residents 2 that are not truthful would not fulfill the 3 Dominican Sisters of Sinsinawa's values of truth 4 or community; correct? 5 MR. INGRISANO: Objection. Form. 6 It assumes facts not in evidence. 7 A I'm guessing -- it seems like it's implying that 8 one party has made untruthful statements. I kind 9 of feel like that's a trick question. 10 Q Not meant to be. 11 MR. INGRISANO: Sure it is. 12 Go ahead. 13 Q But you would agree that if one, whether it be 14 Edgewood or whether it be the neighbors, if one 15 side is making untruthful statements, that would 16 not fulfill the Dominican Sisters of Sinsinawa 17 values of community and truth; correct? 18 A Yes, if either party did that. 19 Q Correct. Okay. Are you aware that the residents 20 near Edgewood's campus voiced strong opposition to 21 the city because of the impact that the lights on 22 the athletic field would have on their lives and 23 their families? 24 MR. INGRISANO: Objection. Form 25 and foundation.</p>	<p style="text-align: right;">Page 79</p> <p>1 anything of the like? 2 MR. INGRISANO: Objection. Form, 3 vague. 4 A No. 5 Q Okay. Prior to -- Strike that. 6 Are you aware of a period of time in which 7 Edgewood High School played its night football 8 games on Middleton's field? 9 A I don't know about Middleton. 10 Q Okay. Have you ever attended an Edgewood High 11 School night football game? 12 A Yes. 13 Q Okay. Can you tell me the last time you attended 14 one roughly? 15 A Probably 1989. 16 Q Okay. 17 A When I was principal. 18 Q Do you recall at all when you were principal where 19 the Edgewood High School football team played its 20 night games? 21 A At Memorial High School or at Breese Stevens 22 stadium. 23 Q And as principal did you routinely go to those 24 games or only once in a blue moon? 25 A No. I routinely went to them, as many faculty</p>
<p style="text-align: right;">Page 78</p> <p>1 A Yes, I'm aware of those, some of those objections. 2 I mean, I've seen the signs. 3 Q Okay. Do you have any reason to believe that the 4 concerns and objections of neighbors were not 5 genuine? 6 MR. INGRISANO: Objection. Form, 7 foundation. Vague as to "genuine." 8 A Yeah. I -- yeah. 9 Q Well, and I don't know if you do or you don't, 10 Sister Kathleen. So I'm just trying to make sure 11 that I don't hear from you that you believe that 12 the community's objections to Edgewood were 13 trumped up or fabricated or not true or they were 14 lying or anything like that. 15 So that's kind of where I'm going with the 16 question. So I'll try and rephrase it. 17 A Thank you. 18 Q You indicated that you at least were aware that 19 the city residents had voiced some strong 20 opposition to Edgewood's getting its lights on its 21 football field? 22 A Yes. 23 Q Do you have any knowledge as you sit here today 24 that any of the statements or concerns by the 25 neighbors were false, not true, not genuine, or</p>	<p style="text-align: right;">Page 80</p> <p>1 did. 2 Q When you attended those games, did a lot of 3 Edgewood students also attend those games? 4 MR. INGRISANO: Objection. Form. 5 Vague as to "a lot." 6 A I would say there was a good number of students 7 and parents and a few alums. I'm trying to 8 remember the composition. Faculty certainly. 9 Q Okay. Do you believe that during your time as 10 part of the faculty and as principal of Edgewood 11 High School that the high school fully fulfilled 12 its promises and responsibilities to the Dominican 13 Sisters of Sinsinawa as a sponsored institution? 14 A Yes. 15 Q Are you aware of any change in religious beliefs 16 between the time period that you were the 17 principal and on the faculty of Edgewood High 18 School and Edgewood High School currently? 19 A Any change in religious beliefs? 20 Q Correct. 21 A No. I would say growing within religious belief. 22 Q But the same core beliefs would apply? 23 A Yes. Yes. 24 Q And do you believe that during the time that you 25 were on the faculty and you were the principal of</p>

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1 Edgewood High School that the institution was able
2 to fully practice its Catholic faith?
3 A I think I'd need to know more about what you mean
4 "practice its Catholic faith."
5 Q Well, do you believe that Edgewood as an
6 institution during that time period was able to
7 fulfill the Dominican Sisters of Sinsinawa's
8 mission to preach the gospel in word and deed?
9 A Yes.
10 Q Okay. While you were on the faculty or principal
11 at Edgewood, did you have any interaction with the
12 City of Madison's building and inspection
13 department, their zoning administrator, or any
14 kind of similar building or zoning functions
15 within the city?
16 A No.
17 Q Okay. During the time when you were on the
18 faculty and you were principal of Edgewood High
19 School, did you have any involvement with City of
20 Madison government officials, like the mayor or
21 the common council or the plan commission?
22 A No to the planning commission. The mayor we
23 sometimes invited for, you know, civic engagement
24 events, or the common council members personally
25 to come during a political -- you know, to speak

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1 at a political class, you know, state and local
2 government kinds of things. But nothing with the
3 planning commission.
4 Q Did you -- it doesn't sound like it, but to be
5 clear, with respect to any engagement you had of
6 the mayor or the common council, were any of your
7 interactions with them with regard to an issue
8 between Edgewood High School and the city?
9 A No.
10 Q Okay. Did you ever see, in all your time, any
11 instance in which the City of Madison engaged in
12 any kind of religious discrimination against
13 Edgewood?
14 A No.
15 Q Are you aware of Edgewood's master plan?
16 MR. INGRISANO: Objection. Form.
17 Vague as to time. Go ahead.
18 A I was aware of the first one.
19 Q Okay. So my understanding, at least, is that
20 there was an Edgewood Campus Master Plan in 1995
21 and there was a second one in 2014. Just based on
22 your statement, are you saying that you were aware
23 of the 1995 master plan?
24 A Yes. I was aware of the beginning of that, and it
25 took several years to create.

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1 Q Okay. And --
2 A But not the other one.
3 Q Okay. And with respect to the 1995 campus master
4 plan, can you tell me what role or roles, if any,
5 you had in that?
6 A I would say just in the initial stages of that.
7 I was still principal and Dr. Ebben was new to the
8 campus as college president and was beginning to
9 dream of how we could -- you know, he had a new
10 vision looking at all three of the schools.
11 So I was just there at the very beginning,
12 you know, let's have a dream, and it was really
13 driven at that point by Dr. Ebben. And then I
14 left. So I was only in the core stages.
15 Q Did you have any connection after you left
16 Edgewood?
17 A With?
18 Q With the 1995 campus master plan?
19 A No.
20 Q Okay. With respect to the initial stages that
21 you were involved in, did it involve meetings at
22 all with the neighborhood associations or the
23 community residents?
24 A Not my -- no. Not my piece of it.
25 Q Okay. Separate from your piece of it, do you know

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1 whether that was going on while you were there?
2 A I don't know. I don't know.
3 MR. INGRISANO: You've got to let
4 her finish her questions. Okay?
5 THE WITNESS: Sorry.
6 MR. INGRISANO: That's okay.
7 THE WITNESS: Thank you. Thank
8 you. Sorry.
9 Q With respect to the vision, as you're describing
10 it, for the 1995 campus master plan, do you know
11 whether it included anything related to Edgewood
12 High School's field, athletic field?
13 A No, I don't.
14 Q Okay. Was there any discussion, thoughts, or
15 efforts during the time that you were on the
16 faculty or as principal of Edgewood High School
17 to add a stadium to the athletic field at all?
18 A You know, I think we had the -- the junior varsity
19 games were out on that field and it was a pretty
20 rough field, so there was always a dream of,
21 wouldn't it be great if we had our own stadium.
22 I mean, you know, as we dreamed about having
23 a new science building or an art, you know, a new
24 performing arts center. You have those dreams.
25 So it was certainly like wouldn't this be

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1 great if we didn't have to bus kids all over the
2 place to get to a game or figure out how to get to
3 a game.
4 Q Separate from being a dream, to your knowledge
5 were there any efforts to do that, to build a
6 stadium or to improve the athletic field while you
7 were at Edgewood?
8 A No.
9 Q Okay. And for the times that you were at
10 Edgewood, Edgewood did not have a lighted athletic
11 field, correct, on campus?
12 A Correct.
13 Q Okay. Are you aware that Edgewood High School
14 redid its track and field in 2015?
15 A Am I aware? Yes.
16 Q Okay. And were you involved at all in any
17 attempts to procure money from the Goodman
18 Foundation with respect to the use of that field?
19 A No, I was not.
20 Q Okay. I believe, if I'm remembering the timeframe
21 right, you were -- in 2015 you were still on the
22 leadership council or the general council;
23 correct?
24 A Correct.
25 Q Did Edgewood's improvement of the field in 2015,

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1 did that come to the general council or the
2 leadership council in any fashion?
3 A I believe so. You know, as a point of interest,
4 what's going on in the school.
5 Q So as I understood it, just to inform you about
6 it, not to seek any kind of approval or permission
7 or anything of the like. Is that fair?
8 A That's fair.
9 Q Do you believe -- well, let me strike that and
10 start again.
11 As I understood a comment you made earlier
12 was that Edgewood has been at its location and has
13 been a part of the community since 1881; is that
14 right?
15 A Correct.
16 Q Do you believe that since 1881 Edgewood has
17 fulfilled its religious mission of educating the
18 whole student, mind, soul, and body?
19 MR. INGRISANO: Objection. Form,
20 foundation. Go ahead.
21 A I'd say that's certainly been the goal, you know,
22 of our institutions, of being a part of Edgewood.
23 To educate the whole student is our goal.
24 Q Do you believe Edgewood High School has failed in
25 that goal?

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1 MR. INGRISANO: Objection. Form,
2 foundation.
3 A No, but I think within a school you're always
4 trying to improve. You don't stay static. You
5 try to improve everything, or meet the signs of
6 the times, to use a well-worn phrase.
7 Q Okay. I want to ask you to turn to paragraph 8.
8 Have you had a chance to review paragraph 8?
9 A Yes.
10 Q Thank you. You refer in that paragraph to the
11 boys' football team hosting the Madison Police
12 Department's annual youth football camp; correct?
13 A Correct.
14 Q Can you tell me what that entails?
15 A I don't know exactly what it entails now. I do
16 know just my point in here is service is important
17 to the athletic teams, and I'm mostly aware of
18 what I see in the paper or what I see on the
19 evening news. I'm not there on the field watching
20 it, but I see, you know, the golf team raising
21 money for breast cancer for a number of years, and
22 it's through their membership of being on an
23 Edgewood team, that it's not just internal, let's
24 go win a football game or let's win a golf
25 tournament, it's also what's the outreach and

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1 service.
2 Q Okay. So with respect to this event, it sounds
3 like you have not personally --
4 A No.
5 Q -- viewed it; correct?
6 A No. Again, I see what -- I talk to people, I read
7 the newspaper, I watch the evening news.
8 Q Okay. Do you know whether this particular event
9 occurred at the time that you were principal?
10 A No, it did not.
11 Q Okay.
12 A We had other -- we had service events but not this
13 particularly.
14 Q Okay. Do you know whether this is a daytime or
15 nighttime event?
16 A I don't know.
17 Q Okay. In that same paragraph you mention that the
18 girls' golf team has for 19 years hosted the
19 annual Crusade for the Cure golf tournament.
20 A Correct.
21 Q Do you know which 19 years? What's the actual
22 calendar dates?
23 A Well, I know they had it this year. So if we back
24 up twenty years, again, I saw it -- I read it in
25 the paper, I saw it in the news, and I read it in

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1 the Edgewood newsletter. I was not there at the
2 tournament but --
3 Q Is it fair to say, similar to the football
4 example, that this is something that you have not
5 personally been a part of or witnessed; correct?
6 A Correct.
7 Q All right. And was this an event that occurred at
8 the time that you were principal?
9 A No, because it didn't happen then. It's happened
10 within these 19 years.
11 Q Okay. But going back 19 years, if my math is
12 correct, you're suggesting this was 2002 to 2021?
13 A Correct.
14 Q Or maybe it's 2003 to 2022, if I'm to be clear;
15 correct?
16 A That's correct.
17 Q Okay.
18 A As far as I know, yeah.
19 Q The 19 years, you're getting that from the
20 newspaper?
21 A Yes.
22 Q Okay.
23 A And from TV.
24 Q Okay.
25 A Channel 3 I think we had it on.

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1 Q Do you know where the golf team plays its games or
2 tournaments --
3 A No.
4 Q -- for Edgewood? Okay.
5 A No. I'm not aware of that.
6 Q It's fair to say, though, that there is not a
7 golf course at the Edgewood campus. Is that true?
8 A Correct.
9 Q Okay. But the golf team is still able to honor
10 the Dominican Sisters of Sinsinawa's values of
11 community and partnership, that aspect of your
12 religious beliefs, by holding events off campus;
13 correct?
14 A Yes. And I think all golf tournaments are off
15 campus in any school.
16 Q Okay.
17 A Around here, anyway.
18 Q Forgive me. I'm not sure. I might have asked
19 this question but I'm not sure. While you were
20 principal and you had the dream of potentially
21 building a stadium, did you ever have any
22 conversations with any of the community residents
23 or neighborhood associations about that potential?
24 A No, because it was a dream at that point.
25 Q Okay.

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1 A We had lots of dreams.
2 Q Were you aware at the time that you were principal
3 of Edgewood that neighbors would potentially
4 oppose building a stadium on campus?
5 MR. INGRISANO: Objection. Form,
6 foundation.
7 A I don't think the word stadium is an accurate one
8 in this case, because I don't think we ever had a
9 dream of a stadium. I think we had a dream of
10 being able to play our own football games on our
11 own field and not having to transport students and
12 figure out the logistics of all of that and have
13 athletics.
14 In regard to the neighbors, I was there as
15 faculty and as principal during the years of
16 Edgefest. I don't know if you know what that is.
17 And we tried very hard and, again, distributed
18 information to neighbors within a larger, not just
19 the perimeter because it was a huge city event, so
20 we would try to distribute -- we didn't try. We
21 distributed fliers, leaflets, whatever, to the
22 entire neighborhood to tell them what was going on.
23 Q And can you describe what Edgefest is?
24 A Edgefest was -- it was primarily a fundraiser for
25 Edgewood High School, but it was in the form of

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1 really it grew to be a city fair. You know, it
2 had lots of events for families inside the
3 building as well as outside. It had entertainment
4 and, you know, kind of talent shows, luncheons.
5 It was a weekend citywide fair, and everyone in
6 the city was invited.
7 Q And was there a typical time period, you know,
8 month where Edgefest occurred?
9 A It was September.
10 Q Okay.
11 A The week after Labor Day. The weekend after
12 Labor Day.
13 MR. INGRISANO: Counsel, can we get
14 a break?
15 MS. ZYLSTRA: Sure.
16 MR. INGRISANO: Thanks.
17 (Recess)
18 Q Sister Kathleen, while you were principal of
19 Edgewood High School, did you undergo any kind of
20 accreditation?
21 A Yes.
22 Q Okay. During your time was there like a formal
23 accreditation report that came out of the
24 accreditation process?
25 A Yes.

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1 Q Okay. Do you recall whether the accreditation
2 report during the time period that you were
3 principal addressed enrollment at all? And in
4 particular, ways to increase enrollment?
5 MR. INGRISANO: Objection. Form,
6 vague. Go ahead.
7 A The accreditation process that we went through
8 every, periodically every few years was through
9 North Central, which I don't even know if it
10 exists now because I've been away from that for a
11 long time, but they would not -- how do you phrase
12 that.
13 Q Increase enrollment?
14 A They would not address it but note it.
15 Q Okay. Did you undertake activities while you were
16 principal at Edgewood High School to increase
17 enrollment?
18 A Yes.
19 Q And what types of things did you do or focus on to
20 increase enrollment?
21 A Again, Edgewood has always had a lot of feeder
22 schools as the only Catholic school in the area,
23 so we would invite students, like sixth, seventh,
24 eighth graders, to come to volleyball games,
25 basketball games, plays. We would have open

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1 houses. We would have, oh, I guess we called it
2 like shadowing students. We would have one-on-
3 one, you know, kind of come to school for a day
4 and see what a particular student -- you know, go
5 through the whole day with a particular student.
6 Certainly if we had, you know, an all-school
7 liturgy, a mass, students would be invited to that
8 or Edgefest kinds of activities, you know, during
9 my period.
10 Q And did you generally find, in terms of your
11 efforts to increase enrollment, that focusing on
12 the parochial feeder schools, as you call them,
13 was the most effective way to increase enrollment?
14 MR. INGRISANO: Objection. Form.
15 Go ahead.
16 A Focusing on them?
17 Q That is the activities that you described in terms
18 of the feeder schools.
19 A Right.
20 Q Those activities you found were the most
21 successful?
22 A Effective.
23 Q Effective, thank you. For increasing enrollment?
24 A Yes. I think trying to be in relationship to
25 those schools and also sometimes having our

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1 students go out and help at those schools,
2 you know, playground duty or reading classes,
3 you know, so it was, you know, in every way that
4 we could to -- and it was primarily parochial
5 schools. We would try, you know, middle schools,
6 but the public schools, you know -- I shouldn't
7 say. I shouldn't shake my head. Public schools
8 sometimes just don't have the flexibility that
9 maybe the smaller Catholic schools like St. James
10 or Blessed Sacrament that are nearby have.
11 Q Okay. And are you aware from your time at
12 Edgewood in any capacity, whether it would be as
13 principal, as faculty, or just in your role as
14 general leadership council, are you aware of any
15 studies that have been done on enrollment in
16 Edgewood High School at all?
17 A I would say that was ongoing. I mean, you were
18 always trying to look at enrollment and enrollment
19 patterns and enrollment in the other schools. So
20 that was really a constant.
21 Q And that's a fair point, and let me try and
22 clarify my question.
23 I guess I was asking about maybe more formal
24 studies where you, for example, have an outside
25 person, outside vendor or an entity and they come

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1 in and kind of do an in-depth study of enrollment
2 or anything like that. Are you aware of any kind
3 of studies like that?
4 A Not during my time, no. But the study of
5 enrollment and enrollment patterns was all the
6 time.
7 Q Okay.
8 A And larger demographics.
9 Q Okay. Are you aware that Edgewood High School and
10 Edgewood College and the Campus School submitted a
11 master plan to the city in 2014?
12 A No.
13 Q I'm guessing no from your answer, but just to be
14 clear, you were on the general council of the
15 Dominican Sisters of Sinsinawa in 2013 and '14;
16 correct?
17 A Correct.
18 Q Do you recall Edgewood's Campus Master Plan coming
19 before that general council at all for approval or
20 to inform you of that master plan?
21 A No, I don't remember that.
22 Q Okay. Have you ever seen Edgewood's 2014 Campus
23 Master Plan?
24 A Have I ever seen it physically?
25 Q Have you ever seen or read the document?

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1 A No.

2 Q Okay. Separate from having seen or read the

3 document, are you aware that Edgewood submitted a

4 campus master plan to the City of Madison in 2014?

5 MR. INGRISANO: Objection. Form.

6 A No. No, I didn't know they submitted it to the

7 city.

8 Q Okay. But you're aware of its existence?

9 A Yes. In a vague kind of way from, again, casual

10 conversations.

11 Q To the extent that Edgewood indicates in their

12 document that its athletic field would only be

13 used for team practices and physical education

14 classes, do you agree that under the five values

15 of the Dominican Sisters of Sinsinawa that

16 Edgewood should honor what it wrote?

17 MR. INGRISANO: Objection. Form

18 and foundation. Assumes facts not in

19 evidence, argumentative. Go ahead.

20 A I was going to say, I see that as kind of a

21 leading question.

22 Hypothetically, yes.

23 Q Okay. Do you have any specialized education or

24 training on the topic of whether modern culture

25 places a priority on sports?

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1 A Can you ask that again, please?

2 Q Sure. Do you have any specialized training or

3 education on the topic of whether modern culture

4 places a priority on sports?

5 A No, I have no training --

6 Q Okay.

7 A -- in that area.

8 Q Have you ever spoken about that topic?

9 A Spoken formally?

10 Q Correct.

11 A No.

12 Q Have you ever done any research or writing on that

13 topic, of whether modern culture places a priority

14 on sports?

15 A No.

16 Q Do you agree that you're not an expert on modern

17 culture and sports?

18 A I would agree. I'm not an expert.

19 Q Have you ever looked at or tried to quantify in

20 any way how many people Edgewood High School

21 reaches with its off-campus activities as opposed

22 to its on-campus activities?

23 MR. INGRISANO: Objection. Form,

24 vague.

25 A No. I've never researched that.

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1 Q Okay. Fair to say that -- or you agree that

2 you're not an expert as to how many people

3 Edgewood reaches with its off-campus athletic

4 games versus its on-campus athletic games. You

5 agree you're not an expert in that?

6 A I'm not an expert.

7 MR. INGRISANO: Objection. Form.

8 THE WITNESS: Sorry.

9 MR. INGRISANO: Calls for a legal

10 conclusion as to definition of expert, but go

11 ahead.

12 A I think the answer was no.

13 Q And just to fix it, because I said you agree you

14 are not an expert.

15 A Yes, I am not an expert.

16 Q Thank you. Have you ever looked at or compared at

17 all the facilities Edgewood High School has to

18 offer prospective students as compared to other

19 nonreligious high schools in the Madison area?

20 A No.

21 Q Okay. Did you attend any athletic competitions,

22 games, that were held at Edgewood High School's

23 field on campus from -- or after you left as

24 principal in 1989?

25 A No.

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1 Q Probably not because of your answers, but I just

2 want to make sure. You said you were aware of the

3 existence of a 2014 campus master plan. Do you

4 know when you became aware of the existence of

5 that?

6 A You know, I couldn't put that down to a date or a

7 year even, and, again, I never saw it. It was

8 just because I know so many people at Edgewood,

9 it was just somewhere in conversation.

10 Q Do you believe it would have -- and you may not

11 know. Do you believe it would have been around

12 the time that it passed in -- or that it was

13 drafted in 2014 or later or don't you know?

14 MR. INGRISANO: Objection. Form,

15 foundation. Go ahead.

16 A I would say later.

17 Q Okay. Are you aware that in 2018 Edgewood High

18 School wanted to amend its master plan?

19 A What was the verb in the beginning?

20 Q Are you aware that in 2018 Edgewood High School

21 sought to amend its master plan?

22 A Am I aware, yes.

23 Q Okay. Were you aware of it at the time back in

24 2018 or is this something you learned later?

25 A Learned later.

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1 Q Okay. Do you have any idea when, even the year,
2 that you would have learned that?
3 A You know, I think it was like an article in the
4 newspaper.
5 Q Okay. Were you aware that the amendment in 2018
6 was to increase seating at the athletic field,
7 add restrooms, add lighting, and install a sound
8 system?
9 A No, I was not aware of that.
10 Q Are you aware of that now sitting here today or no?
11 A No. I just know the lighting issue.
12 Q All right. Are you aware at all that in April and
13 May of 2019 the city had issued notices to
14 Edgewood for holding athletic contests on its
15 field?
16 A No.
17 Q Okay. As I understood it, Sister Kathleen, at
18 some point you spoke at a city Zoning Board of
19 Appeals meeting.
20 A Yes, I did.
21 Q You recall that; correct?
22 A Yes.
23 Q What did you understand, if anything, what the
24 issue was that you were speaking about at that
25 meeting?

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1 A I believed it to be the lighting issue and the
2 ability of the students to be able to use the
3 field, even to use the field at that point.
4 Q Okay. And when you say the lighting issue, what
5 do you mean?
6 A That Edgewood wanted to have lights as a part of
7 the renovated field and that the lights, as I
8 understood, was extensively studied how they could
9 have lights and when they could use them and how
10 they would have the least amount of effect in the
11 neighborhood.
12 Q Okay. And what was your purpose for speaking at
13 that meeting?
14 A It was to speak in support of the high school.
15 Q Okay.
16 A It was like a three-minute.
17 Q Yes, the city does have its little rules on trying
18 to let everyone get a chance to speak, that's for
19 sure.
20 Okay. Do you recall at all what the result
21 was of that meeting where you spoke?
22 A I didn't stay for the whole thing because it went
23 until, like, midnight, but I do think it was not
24 in favor of Edgewood.
25 Q Okay.

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1 A I do remember some of the girls talking about
2 trying to play soccer and they were being harassed
3 on their own field, which I thought was
4 deplorable.
5 Q And did you get any more detail than they were
6 getting harassed or can you provide for me
7 whatever you know about that?
8 A I just know there was one girl who was testifying
9 in front of me who was an Edgewood student who
10 talked about the girls were trying to have, I
11 don't even know if it was a game or soccer
12 practice, but it was soccer, out in the field and
13 there were some people from the neighborhood, I
14 would say, in some sense, harassing them, and
15 there was one man in particular who had a camera
16 and was taking photographs of the girls and they
17 were -- harassment is probably the only word I can
18 use for that.
19 Q Okay. Were you -- I don't think you were based on
20 your prior testimony. You weren't at the field
21 when this was --
22 A No.
23 Q -- going on; correct?
24 A No. No, I was not.
25 Q Okay.

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1 A It was the student's testimony.
2 Q Okay. I think you said at some point you became
3 aware that, and forgive me, I didn't -- I don't
4 have a good recollection of your testimony. Did
5 you say that you were aware that Edgewood was
6 trying to amend its master plan in 2018?
7 A Tell me the verb again. That I was aware?
8 Q Were you aware that Edgewood sought to amend its
9 master plan in 2018?
10 A Not in 2018. Again, I think it was later.
11 Q Thank you.
12 A Yeah.
13 Q Thank you. I just forgot what you said.
14 MR. INGRISANO: Counsel, her
15 testimony was that she became aware of it at
16 some point after.
17 Q Thank you. I'm sorry. I just didn't have good
18 notes and couldn't remember what you said.
19 Do you have an understanding at all with what
20 happened to that, that is, the amendment to the
21 master plan?
22 A No. No, I don't.
23 Q Do you have any knowledge as to why Edgewood
24 withdrew its application to amend its master plan?
25 A No, I don't.

<p style="text-align: right;">Page 105</p> <p>1 Q Okay. Did you have any understanding about -- or 2 knowledge about the city receiving complaints in 3 March, April, and May of 2019 about Edgewood? 4 A No. 5 Q Okay. Have you ever heard of the group called the 6 Friends of Lake Wingra? 7 A No. 8 Q Okay. Are you aware that there were at least some 9 Edgewood alumni who did not support Edgewood's 10 request for lights for its athletic field? 11 A I don't know that. But we have thousands of 12 alums, so I'm sure there is a difference of 13 opinions. That's a part of diversity. 14 Q Would you consider any alum who does not support 15 Edgewood's request for lights as somehow being not 16 true to the Dominican Sisters of Sinsinawa's 17 mission or the Catholic faith? 18 MR. INGRISANO: Objection. Form. 19 A No. I'd like to have a conversation with them, 20 but I think people have a right to their own 21 ideas. That's a part of Catholicism too. 22 Q Have you personally spoken or had any written 23 communications with any city alders or the mayor 24 or city officials about Edgewood from 2015 to 25 present?</p>	<p style="text-align: right;">Page 107</p> <p>1 Q -- or conversations with Matt Tucker? 2 A No. I've obviously heard his name somewhere, 3 but I obviously don't know who he is. 4 Q And any communications or conversations or 5 anything involving Tim Parks at the city? 6 A No. 7 Q Or George Hank at the city? 8 A No. 9 Q Okay. Have you seen any city officials ever 10 express any anti-Catholic animus at all? 11 MR. INGRISANO: Objection. Form. 12 Vague as to "city official," but go ahead. 13 A Is that in regards to Edgewood? 14 Q Correct. 15 A No. 16 Q Okay. Separate from how the common council voted 17 and the plan commission voted, do you have any 18 criticisms of any city staff and how they've acted 19 with respect to Edgewood throughout this process 20 involving Edgewood and its lights? 21 MR. INGRISANO: Objection. Form, 22 foundation. Go ahead. 23 A No. And when you use the word Edgewood, I think 24 it's good to say Edgewood High School, you know, 25 just for clarification.</p>
<p style="text-align: right;">Page 106</p> <p>1 A No. 2 Q Okay. Other than appearing at the Zoning Board 3 of Appeals. But you don't recall any other 4 conversations? 5 A No. Not with any of them. 6 Q Okay. Have you personally spoken or had any 7 written communications with anyone on the city's 8 plan commission about Edgewood from 2015 to 9 present other than the Zoning Board of Appeals? 10 A No. 11 MR. INGRISANO: Can you read that 12 last question back, please? 13 (Question read) 14 MR. INGRISANO: Thank you. 15 Q Did you speak at any city meeting -- There were 16 meetings in front of the common council. There 17 were meetings in front of the plan commission. 18 Did you speak at any other public meeting other 19 than the Zoning Board of Appeals? 20 A No, I did not. 21 Q Okay. Do you know who Matt Tucker is? 22 A I think he might be a city alderman. Am I right? 23 Q He was the zoning administrator, but that's okay. 24 You don't recall any communications -- 25 A No.</p>	<p style="text-align: right;">Page 108</p> <p>1 Q Okay. 2 A The high school and college and campus school tend 3 to get lumped together. 4 Q Well, that's fair. Separate from Edgewood High 5 School, if we include Edgewood College and 6 Edgewood Campus School, do you have any criticisms 7 of any city staff and how they've acted toward 8 those organizations? 9 A No, I do not. Sorry, I didn't mean to step on 10 you. 11 Q That's okay. And have you ever seen any city 12 officials ever express any anti-Catholic animus to 13 Edgewood College or Edgewood Campus School? 14 A No. 15 MS. ZYLSTRA: Okay. Just give me a 16 minute. I just want to review, and I might 17 be done. Maybe not. 18 MR. INGRISANO: Yeah. Do you want 19 us to step out? 20 MS. ZYLSTRA: Yeah. Well, we'll 21 step out. Just give us one minute. 22 MR. INGRISANO: I appreciate it. 23 Thank you. 24 (Recess) 25 MS. ZYLSTRA: I actually think we</p>

<p style="text-align: right;">Page 109</p> <p>1 are done. Thank you, Sister Kathleen.</p> <p>2 MR. INGRISANO: I've got a couple</p> <p>3 questions, though, actually.</p> <p>4</p> <p>5 EXAMINATION</p> <p>6 By Mr. Ingrisano:</p> <p>7 Q Sister, I'm going to ask you to put your phone</p> <p>8 down there for a second.</p> <p>9 A Yeah. Sorry.</p> <p>10 Q You were asked some questions from counsel</p> <p>11 regarding property that the sisters owned in</p> <p>12 Chicago and in Wisconsin. Do you recall that</p> <p>13 line of questioning?</p> <p>14 A Yes. Yes.</p> <p>15 Q And you mentioned some houses in Madison.</p> <p>16 Correct?</p> <p>17 A Right.</p> <p>18 Q With respect to the schools that you've</p> <p>19 identified, whether it's Dominican, Queen of</p> <p>20 Peace, Edgewood, do you have an understanding of</p> <p>21 who owns the properties -- the schools and the</p> <p>22 properties that they're located on?</p> <p>23 A Yes.</p> <p>24 Q And who owns those?</p> <p>25 A The Dominican Sisters of Sinsinawa --</p>	<p style="text-align: right;">Page 111</p> <p>1 A Correct.</p> <p>2 Q On the right-hand side of this page, do you see</p> <p>3 a link on what would be the website to sponsored</p> <p>4 institutions? Do you see that?</p> <p>5 A Yes.</p> <p>6 Q Can you turn within this Exhibit 49 to the page</p> <p>7 that lists those sponsored institutions?</p> <p>8 A Where is it?</p> <p>9 Q If you could find it.</p> <p>10 A Sure. Can you show me what the page looks like?</p> <p>11 Q I'm asking you to find it because I couldn't find</p> <p>12 it.</p> <p>13 A It must not be part of what they printed out,</p> <p>14 then.</p> <p>15 Q Okay.</p> <p>16 A Right?</p> <p>17 Q So in reviewing Exhibit 49, do you believe that to</p> <p>18 be a complete copy of the contents of the website,</p> <p>19 at least as of that date, 5/9/22?</p> <p>20 MS. ZYLSTRA: Objection. Form,</p> <p>21 foundation.</p> <p>22 A No. I would say it's not a complete website.</p> <p>23 MR. INGRISANO: I've got no further</p> <p>24 questions.</p> <p>25</p>
<p style="text-align: right;">Page 110</p> <p>1 Q Okay.</p> <p>2 A -- own those properties.</p> <p>3 Q And is that, to your understanding, with respect</p> <p>4 to the schools that are sponsored institutions by</p> <p>5 the sisters, do the sisters own all of those</p> <p>6 properties?</p> <p>7 A Yes. One that you named, Queen of Peace, has</p> <p>8 closed, so we no longer have that school. That</p> <p>9 was just a year ago.</p> <p>10 Q Okay.</p> <p>11 A But the others are, again, separate corporations,</p> <p>12 like Trinity High School Corporation, Edgewood</p> <p>13 College Corporation, Edgewood Campus School,</p> <p>14 Bethlehem Academy Corporation. Those are all</p> <p>15 separate institutions so they don't impact each</p> <p>16 other financially.</p> <p>17 Q Got it. And who do you understand owns and</p> <p>18 controls those corporations?</p> <p>19 A Owns and what?</p> <p>20 Q Owns and controls those corporations?</p> <p>21 A The Sinsinawa Dominican corporation.</p> <p>22 Q One thing here. I'm going to ask you to turn to,</p> <p>23 on Exhibit 49, there is a page here, it says About</p> <p>24 our Mission and then there are the five sisters</p> <p>25 that you were asked about before; correct?</p>	<p style="text-align: right;">Page 112</p> <p>1 FURTHER EXAMINATION</p> <p>2 By Ms. Zylstra:</p> <p>3 Q Have you, Sister Kathleen, ever clicked on the</p> <p>4 sponsored institutions link, that is, that counsel</p> <p>5 was asking you about?</p> <p>6 A Yes. At some point in time.</p> <p>7 Q Okay. And when you click on that link, what does</p> <p>8 it show you?</p> <p>9 A It would show you, is my memory of it, it would</p> <p>10 show you the different schools, the different</p> <p>11 sponsored institutions and a paragraph about them.</p> <p>12 How they're -- you know, some are all girls, some</p> <p>13 are coed, some are in different cities. It would</p> <p>14 tell you something about each of the schools.</p> <p>15 Q Okay. With respect to the sponsored -- that page</p> <p>16 that you just described, do you know whether that</p> <p>17 page contains any discussion about the athletics</p> <p>18 or athletic programs of the sponsored institution</p> <p>19 or whether it requires you to actually go to the</p> <p>20 sponsored institution's web page to learn that?</p> <p>21 A No. Well, I think it would give an overview of</p> <p>22 each of the institutions.</p> <p>23 Q And do you think that would include or not include</p> <p>24 a description of the athletic programs of the</p> <p>25 sponsored institutions?</p>

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1 A It probably wouldn't be a full description because
 2 it would be very long, you know. They're each --
 3 it would give an overview. Again, it would give
 4 an overview of each of the institutions in terms
 5 of what they feature, you know, who their
 6 population is, where they are. Some sense of who
 7 they are.
 8 Q Okay. And do you believe that would be part of
 9 the Dominican Sisters of Sinsinawa's website as
 10 opposed to the sponsored institution's website?
 11 MR. INGRISANO: Objection. Form.
 12 Go ahead.
 13 A It would probably -- sorry. It would probably
 14 be -- there would probably be a link to the
 15 school.
 16 Q Okay.
 17 A It would make sense.
 18 Q I understand. So you believe that the link would
 19 take you to Edgewood High School's website; correct?
 20 A Correct.
 21 Q And that's where the information would likely be
 22 about their athletic programs; correct?
 23 A The specific information about that school's
 24 athletics.
 25 Q But not the Dominican Sisters of Sinsinawa's

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1 website; true?
 2 A No, but it would speak -- I mean, it would speak
 3 to it, again, in its overview of each of the
 4 schools.
 5 MS. ZYLSTRA: No further questions.
 6 Thank you.
 7 MR. INGRISANO: Thank you very
 8 much. Reserve read and sign.
 9 (Adjourning at 1:13 p.m.)
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1 STATE OF WISCONSIN)
 2 COUNTY OF DANE) ss.
 3
 4 I, Peggy S. Christensen, Registered Professional
 5 Reporter and Notary Public in and for the State of
 6 Wisconsin, do hereby certify that the foregoing
 7 deposition of SISTER KATHLEEN PHELAN was taken before
 8 me on August 10, 2022, and reduced to writing by me,
 9 a professional court reporter and disinterested
 10 person, approved by all parties in interest and
 11 thereafter converted to typewriting using
 12 computer-aided transcription.
 13 I further certify that I am not related to nor
 14 an employee of counsel or any of the parties to the
 15 action, nor am I in any way financially interested in
 16 the outcome of this case.
 17 IN WITNESS WHEREOF, I have hereunto set my hand
 18 and affixed my notarial seal of office at Madison,
 19 Wisconsin, this 16th day of August 2022.
 20
 21
 22
 23
 24
 25

Notary Public, State of Wisconsin
 My Commission Expires August 7, 2024